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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CRL.M.C. 2180/2026 & CRL.M.A. 8989/2026

KAVITA SONAR

.....Petitioner

Through: Mr. Anuj Kapoor, Advocate with
Petitioner on VC.

versus

STATE OF NCT OF DELHI & ORS.

.....Respondents

Through: Ms. Manjeet Arya, APP.
R-2 and R-3 on VC.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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24.03.2026

1. The present petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ("BNSS") (corresponding to Section 482 of the Code of Criminal Procedure, 1973 ["CrPC"]) seeking quashing of FIR No. 420/2018 dated 08.06.2018, registered at Police Station Ranhola, under Sections 498A/406/34 of the Indian Penal Code, 1860 ["IPC"], alongwith all consequential proceedings, on the ground of settlement.

2. Issue notice. Ms. Manjeet Arya, learned Additional Public Prosecutor, accepts notice on behalf of the State. Respondent Nos. 2 and 3 are present through video conference. The petitioner is also present through video conference and is identified by her learned counsel as well as by the Investigating Officer. Respondent Nos. 2 and 3 are likewise identified by the Investigating Officer.



3. The petition is taken up for disposal with the consent of learned counsel for the parties.
4. The FIR arises out of matrimonial discord between the petitioner and the son of respondent No. 2, who was her husband, with respondent No. 3 being her sister-in-law. The marriage was solemnized on 11.06.2011. Owing to temperamental differences, the parties have been living separately since 27.10.2015. A female child was born from the wedlock on 21.09.2012.
5. A complaint was initially lodged by the petitioner before the Crime Against Women Cell on 20.02.2017, which culminated in the registration of the present FIR against her husband, mother-in-law, and sister-in-law. Upon investigation, a chargesheet was filed on 30.07.2018 against them.
6. During the pendency of the proceedings, the matrimonial dispute was amicably settled between the petitioner and her husband before the Delhi Mediation Centre, Tis Hazari Courts on 29.08.2022, in terms whereof the terms of settlement were reduced into writing. Under the settlement, they *inter alia* agreed to seek divorce by mutual consent, and the petitioner's husband agreed to pay Rs. 5,000/- per month towards the child's maintenance. It was further agreed that the minor daughter shall remain in the custody of the petitioner herein, while her husband shall have specified visitation rights.
7. Consequent to the settlement, the parties thereto proceeded with mutual consent divorce proceedings, and the first motion was allowed on 04.11.2022 in HMA No. 2993/2022. However, the husband of the petitioner passed away on 26.04.2023, before the completion of the second motion.



8. In view of the aforesaid only respondent Nos. 2 and 3 now remain as accused in the present proceedings. The petitioner states that in the wake of her husband's demise, she does not wish to continue with the criminal proceedings against respondent No.2 and 3. She, therefore, seeks quashing of the impugned FIR, to which respondent No.2 and 3 have no objection.

9. Although an offence under Section 498A of the IPC is non-compoundable, the Supreme Court has consistently held that the High Courts, in exercise of their inherent powers under Section 528 of the BNSS (corresponding to Section 482 of the CrPC), are empowered to quash criminal proceedings, including in respect of non-compoundable offences, where the parties have amicably settled their disputes and such quashing does not prejudice any overriding public interest.

10. The Supreme Court, in *Gian Singh v. State of Punjab & Anr.*¹ has held as follows:

“58. Where the High Court quashes a criminal proceeding having regard to the fact that the dispute between the offender and the victim has been settled although the offences are not compoundable, it does so as in its opinion, continuation of criminal proceedings will be an exercise in futility and justice in the case demands that the dispute between the parties is put to an end and peace is restored; securing the ends of justice being the ultimate guiding factor. No doubt, crimes are acts which have harmful effect on the public and consist in wrongdoing that seriously endangers and threatens the well-being of the society and it is not safe to leave the crime-doer only because he and the victim have settled the dispute amicably or that the victim has been paid compensation, yet certain crimes have been made compoundable in law, with or without the permission of the court. In respect of serious offences like murder, rape, dacoity, etc., or other offences of mental depravity under IPC or offences of moral turpitude under special statutes, like the Prevention of Corruption Act or the offences committed by public

¹ (2012) 10 SCC 303.



servants while working in that capacity, the settlement between the offender and the victim can have no legal sanction at all. However, certain offences which overwhelmingly and predominantly bear civil flavour having arisen out of civil, mercantile, commercial, financial, partnership or such like transactions or the offences arising out of matrimony, particularly relating to dowry, etc. or the family dispute, where the wrong is basically to the victim and the offender and the victim have settled all disputes between them amicably, irrespective of the fact that such offences have not been made compoundable, the High Court may within the framework of its inherent power, quash the criminal proceeding or criminal complaint or FIR if it is satisfied that on the face of such settlement, there is hardly any likelihood of the offender being convicted and by not quashing the criminal proceedings, justice shall be casualty and ends of justice shall be defeated. The above list is illustrative and not exhaustive. Each case will depend on its own facts and no hard-and-fast category can be prescribed.”²

Further, in *Narinder Singh & Ors. v. State of Punjab & Anr.*³, the Supreme Court has also laid down guidelines for High Courts while accepting settlement deeds between parties and quashing the proceedings. The relevant observations in the said decision read as under:

“29. In view of the aforesaid discussion, we sum up and lay down the following principles by which the High Court would be guided in giving adequate treatment to the settlement between the parties and exercising its power under Section 482 of the Code while accepting the settlement and quashing the proceedings or refusing to accept the settlement with direction to continue with the criminal proceedings:

29.1. Power conferred under Section 482 of the Code is to be distinguished from the power which lies in the Court to compound the offences under Section 320 of the Code. No doubt, under Section 482 of the Code, the High Court has inherent power to quash the criminal proceedings even in those cases which are not compoundable, where the parties have settled the matter between themselves. However, this power is to be exercised sparingly and with caution.

29.2. When the parties have reached the settlement and on that basis petition for quashing the criminal proceedings is filed, the guiding

² Emphasis supplied.

³ (2014) 6 SCC 466.



factor in such cases would be to secure:
(i) ends of justice, or
(ii) to prevent abuse of the process of any court.

While exercising the power the High Court is to form an opinion on either of the aforesaid two objectives.

29.3. Such a power is not to be exercised in those prosecutions which involve heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. Such offences are not private in nature and have a serious impact on society. Similarly, for the offences alleged to have been committed under special statute like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity are not to be quashed merely on the basis of compromise between the victim and the offender.

29.4. On the other hand, those criminal cases having overwhelmingly and predominantly civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes should be quashed when the parties have resolved their entire disputes among themselves.

29.5. While exercising its powers, the High Court is to examine as to whether the possibility of conviction is remote and bleak and continuation of criminal cases would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal cases.”⁴

11. In the present case, the proceedings arise out of a matrimonial dispute, which was amicably settled between the parties in terms of the settlement dated 29.08.2022. The settlement was duly acted upon by the parties, to the extent of initiation of mutual consent divorce proceedings. It is also a matter of record that the husband of the petitioner passed away on 26.04.2023 prior to the culmination of the second motion, as a result of which the criminal proceedings, insofar as they pertained to him, stood abated. The petitioner has affirmed before this Court that the present

⁴ Emphasis supplied.



petition has been filed of her own free will, and free from any coercion, pressure, or undue influence. In such circumstances, and having regard to the settled position of law, the continuation of the present proceedings would not serve any meaningful purpose, as the possibility of conviction is remote, and the trial would merely result in unnecessary consumption of judicial time and public resources.

12. In view of the foregoing and considering that the dispute has been amicably resolved, and the complainant herself has approached this Court seeking quashing, FIR No. 420/2018 dated 08.06.2018, registered at Police Station Ranhola, under Sections 498A/406/34 of the IPC, alongwith all consequential proceedings arising therefrom, is hereby quashed.

13. The petition, alongwith pending application, accordingly stands disposed of.

14. It is, however, made clear that the settlement and the present order will not, in any way, affect the rights of the minor child, whose custody remains with the petitioner.

PRATEEK JALAN, J

MARCH 24, 2026/‘Bhupi’/SD/