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

+ CRL.M.C. 5164/2025, CRL.M.A. 22338/2025

SHARVAN KUMAR & ORS.

.....Petitioner

Through: Mr. Rajendra Singh Insan, Ms.
Vanya Kumari, Advocates.

versus

THE STATE GOVT. (N.C.T. OF DELHI & ANR.Respondent

Through: Mr. Hitesh Vali, APP with SI
Yashpal Singh, PS Harsh Vihar
Mr. Gaurav Panchal, Advocate for
R-2

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **25.03.2026**

1. The petitioners have filed the present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ["BNSS"] (corresponding to Section 482 of the Code of Criminal Procedure, 1973 ["CrPC"]) seeking the quashing of FIR No. 814/2020 dated 29.09.2020, registered at Police Station Harsh Vihar under Sections 498A, 506, 406, and 34 of the Indian Penal Code, 1860 ["IPC"], alongwith all proceedings arising therefrom, on the ground that the parties have amicably settled their disputes.

2. Issue notice. Mr. Hitesh Vali, learned Additional Public Prosecutor, accepts notice on behalf of the State. Mr. Gaurav Panchal, learned counsel, accepts notice on behalf of respondent No. 2.



3. The petitioners are present and are identified by their learned counsel as well as by the Investigating Officer. Respondent No. 2 is also present and is identified by her learned counsel and the Investigating Officer.

4. The petition is taken up for disposal with consent of learned counsel of parties.

5. The marriage between petitioner No. 1 and respondent No. 2 was solemnised on 04.12.2016 according to Hindu rites and ceremonies. Due to matrimonial discord and differences in temperament, the parties have been living separately since 26.01.2017, and no child has been born of the marriage.

6. The present FIR was registered on 29.09.2020 at the instance of respondent No. 2 against the petitioners. Petitioner No. 1 is the husband of respondent No. 2, petitioner Nos. 2 and 3 are his parents, petitioner Nos. 4 to 7 are his sisters, and petitioner No. 8 is his uncle.

7. During the pendency of the proceedings, the parties have amicably settled all their disputes at the Delhi Mediation Centre, Karkardooma Courts, Delhi, and pursuant to this, a Settlement Agreement was executed between them on 08.10.2024.

8. The settlement provides for payment of a total sum of Rs. 5,00,000/- to respondent No. 2 in full and final discharge of all claims arising from the marriage, including *istridhan*, permanent alimony, and other incidental expenses, to be paid in a phased manner, being, Rs. 2,00,000/- at the time of recording of statements in the first motion petition under Section 13B(1) of the Hindu Marriage Act, 1955 [“HMA”]; Rs. 50,000/- at the time of withdrawal of the domestic



violence case; Rs. 1,50,000/- at the time of recording of statements in the second motion petition under Section 13B(2) of the HMA; and Rs. 1,00,000/- at the time of filing of the petition for quashing of the impugned FIR.

9. A cheque for Rs. 1,00,000/- has been handed over to respondent No. 2 in Court today.

10. The Settlement Agreement also provides for the dissolution of the marriage by mutual consent, and accordingly, the marriage has been dissolved by a decree of divorce by mutual consent in HMA No. 469/2025, delivered by the Family Court, Karkardooma Courts, on 25.03.2025.

11. Learned counsel for the parties have confirmed that the settlement was entered into voluntarily, without any coercion or undue influence, and therefore, the petitioners seek the quashing of the impugned FIR.

12. Although the offence under Section 498A of the IPC is non-compoundable, the Supreme Court has held that, in suitable circumstances, High Courts may, in exercise of their powers under Section 528 of the BNSS (corresponding to Section 482 of the CrPC), quash criminal proceedings, even for non-compoundable offences, where a compromise has been reached between the accused and the complainant, provided that such quashing does not adversely affect any broader public interest.

13. 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

¹ (2012) 10 SCC 303.



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 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

² Emphasis supplied.

³ (2014) 6 SCC 466.



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 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



14. In the present case, the criminal proceedings stem from a matrimonial relationship that has already been dissolved by a decree of divorce. Applying the principles laid down by the Supreme Court, it is noted that respondent No. 2 has expressly affirmed the voluntary and *bona fide* nature of the settlement before this Court. It is further noted that an amount of Rs. 1,00,000/- has already been paid and the full settlement amount has been discharged, leaving no impediment to the relief sought by the petitioners. In these circumstances, the continuation of the criminal proceedings is unlikely to result in any conviction and would merely amount to a formal exercise, placing an unnecessary burden on the justice system and consuming public resources.

15. In view of the foregoing, the petition is allowed, and FIR No. 814/2020 dated 29.09.2020, registered at Police Station Harsh Vihar under Sections 498A/506/406/34 of the IPC, alongwith all consequential proceedings arising therefrom, is hereby quashed.

16. The parties shall remain bound by the terms of the settlement.

17. The petition, alongwith the application, accordingly stands disposed of.

PRATEEK JALAN, J

MARCH 25, 2026

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⁴ Emphasis supplied.