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

% **Date of Decision : 07.10.2026**

CNR No.DLHC010482582026

+ **CRL.M.C. 7513/2026 and Crl.M.A.31413/2026**

SHRI AJAY @ AZAD & ORS.

.....Petitioners

Through: Mr. Raj Ranjay Singh, Mr. Om Dutt
Sharma and Mr. Laukesh Kumar,
Adv.

versus

THE STATE GOVT. OF NCT OF DELHI AND ANR....Respondents

Through: Mr. Hemant Mehla, APP for State
along with Mr. Mayank Chaudhary,
Mr. Naved, Adv.
Mr. Kunwar Pal Singh, Adv. for R-2.
SI Pulkit, PS Shahdara.
ASI Kamaljeet, PS Shahdara.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

SACHIN DATTA, J. (ORAL)

1. The petitioner, *via* petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter “BNSS”) (*pari materia* to Section 482 of the Code of Criminal Procedure, 1973 (hereinafter “CrPC”)), seeks quashing of FIR No. 422/2021, dated 25.12.2021, registered at Police Station Shahdara, Delhi, under Sections 498A/406/34 of the Indian Penal Code, 1860 (hereinafter “IPC”), and all proceedings emanating therefrom, on the basis of the Settlement Agreement dated 23.01.2026.



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2. Petitioner No. 1 married respondent no. 2 on 08.03.2019, according to the Hindu rites and ceremonies, in Delhi. It is submitted that soon after the marriage, owing to differences, the relationship between the parties deteriorated. It is also submitted that they have been living separately since September 2021. Further, no child was born out of the said wedlock.
3. It is pointed out that the present criminal case arose due to the allegations of cruelty in the matrimonial relationship and retention of the complainant's articles.
4. The parties amicably resolved their disputes through the Mediation Settlement Agreement dated 23.01.2026, entered into during the mediation proceedings before the Delhi Mediation Centre, Karkardooma Court, Delhi, in Mediation Case No. L-8972/25, pursuant to a reference made by Ms. Shipra Dhankar, Ld. JMFC (Mahila Court-01), Shahdara District, Karkardooma Courts, Delhi. The Settlement Agreement has been annexed as Annexure P-4 to the present petition.
5. In the terms thereof, they agreed to dissolve the marriage by mutual consent and settle the proceedings identified in the Agreement. The final decree of divorce by mutual consent has been passed by Ld. Judge, Family Court-03, Karkardooma, Shahdara District, Delhi *vide* order dated 16.04.2026.
6. The agreed financial settlement in the Agreement was for Rs. 5,00,000. It is submitted by the parties that out of the said amount, a sum of Rs. 3,00,000 has been paid by the petitioners.
7. In terms of the Settlement Agreement, the outstanding amount of Rs. 2,00,000 is to be paid in two instalments:
 - a. Rs. 1,75,000 at the time of quashing of the present FIR, and



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b. Rs. 25,000, when a separate criminal case emanating from FIR No. 602/2021 is quashed. The said FIR is not the subject matter of the present petition.

8. It is submitted that the other *inter-se* proceedings between the parties pertaining to the Protection of Women from Domestic Violence Act, 2005, and the associated execution proceedings, stand withdrawn.

9. The complainant/respondent no. 2 is present in person and submits that the settlement has been arrived at of her own free will, volition, and without any undue influence and coercion.

10. The concerned Investigating Officer (IO) is present in Court and has identified the petitioners and respondent no. 2.

11. The petitioners and respondent no. 2, accordingly, jointly request that FIR No. 422/2021, dated 25.12.2021, registered at P.S. Shahdara, Delhi, and all proceedings emanating therefrom be quashed.

12. This Court is conscious that the offences under Section 498A of the IPC are non-compoundable, whereas the offence under Section 406 of the IPC is compoundable by the owner of the property with the permission of the Court (Section 320(2) of the CrPC, now Section 359(2) of the BNSS). The power of this Court under Section 528 of the BNSS (earlier Section 482 of the CrPC) to quash criminal proceedings is distinct from the power of compounding conferred on a court and is not limited by it.

13. In this regard, it is apposite to refer to the decision of the Supreme Court in **Gian Singh v. State of Punjab, (2012) 10 SCC 303**, wherein it has been held that criminal proceedings arising out of matrimony or family disputes, where the wrong is private or personal in nature and the parties have resolved their entire dispute, stand on a different footing for the



purposes of quashing. The relevant extract reads as under:

“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 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.”

(emphasis supplied)

14. The said principles were reiterated by the Supreme Court in **Narinder Singh v. State of Punjab, (2014) 6 SCC 466**, wherein it has been held 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 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.

29.4. **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.”**

(emphasis supplied)

15. Specifically in the context of matrimonial disputes, the Supreme Court in ***Jitendra Raghuvanshi v. Babita Raghuvanshi***, (2013) 4 SCC 58, has held as under:

“14. The inherent powers of the High Court under Section 482 of the Code are wide and unfettered. In *B.S. Joshi* [(2003) 4 SCC 675 : 2003 SCC (Cri) 848], this Court has upheld the powers of the High Court under Section 482 to quash criminal proceedings where dispute is of a private nature and a compromise is entered into between the parties who are willing to settle their differences amicably. We are satisfied that the said decision is directly applicable to the case on hand and



the High Court ought to have quashed the criminal proceedings by accepting the settlement arrived at.

15. In our view, it is the duty of the courts to encourage genuine settlements of matrimonial disputes, particularly, when the same are on considerable increase. Even if the offences are non-compoundable, if they relate to matrimonial disputes and the Court is satisfied that the parties have settled the same amicably and without any pressure, we hold that for the purpose of securing ends of justice, Section 320 of the Code would not be a bar to the exercise of power of quashing of FIR, complaint or the subsequent criminal proceedings.”

(emphasis supplied)

16. Furthermore, the Supreme Court in *Navneesh Aggarwal v. State of Haryana*, 2025 SCC OnLine SC 1680, while hearing an appeal against an order under section 482 of CrPC qua the settlement-based quashing of proceedings under Sections 498A and 406 of the IPC, remarks:

“14. Furthermore, this Court has consistently taken the view that where the matrimonial relationship has come to an end by way of divorce, and the parties have since settled into their respective lives, criminal prosecution emanating from that past relationship ought not to be permitted to linger as a means of harassment. In the cases of Mala Kar v. State of Uttarakhand, Criminal Appeal No. 1684 of 2024 dated 19.03.2024 (“Mala Kar”) and Arun Jain v. State of NCT of Delhi, Special Leave Petition (Criminal) No. 9178 of 2018 dated 01.04.2024 (“Arun Jain”), this Court, while exercising its powers under Article 142 of the Constitution of India, quashed the criminal proceedings arising out of matrimonial discord against the husband. The Court took note of the fact that the couple therein had divorced and held that in such a situation, to continue with criminal prosecution would amount to abuse of the process of law. The reasoning adopted therein applies with equal force to the facts of the present case.”

(emphasis supplied)

17. Although the offences under Section 498A of the IPC is non-



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compoundable, the aforesaid principles apply with equal force to the exercise of the inherent power under Section 528 of the BNSS, which corresponds to Section 482 of the CrPC. In the present case, the FIR arises out of a matrimonial relationship and is essentially private in nature; the offences alleged do not fall in the category of heinous and serious offences of mental depravity, or offences like murder, rape or dacoity. The parties have amicably resolved all their disputes in terms of the Settlement Agreement dated 23.01.2026; the other *inter se* proceedings stand withdrawn; the marriage stands dissolved by a decree of divorce by mutual consent, and there is no issue from the marriage; the requisite settlement amount stands paid; and respondent no. 2/complainant, who is present in Court, has confirmed the settlement and the receipt of the amount.

18. In the circumstances, the Settlement Agreement between the parties provides a cogent basis for quashing the aforementioned FIR. The prosecution arises out of private matrimonial disputes, which the parties have voluntarily resolved. The performance of the financial and other settlement obligations together with the complainant/respondent no. 2's consent, supports the conclusion that the continuation of the prosecution would serve no fruitful purpose.

19. Accordingly, in view of the joint request of the parties, and considering the law laid down in the aforesaid judgments, the present petition is allowed and FIR No. 422/2021, dated 25.12.2021, registered at Police Station Shahdara, Delhi, under Sections 498A/406/34 of the IPC, and all proceedings emanating therefrom, *qua* all the petitioners, stands quashed.

20. The present petition, along with CRL.M.A. 31413/2026, and all other pending application(s), if any, stands disposed of in the above terms.



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21. Lastly, the petitioners and respondent no. 2 undertake to abide by the terms of the Settlement Agreement. The said undertaking is taken on record.

SACHIN DATTA, J

OCTOBER 7, 2026/cl/vk

Signature Not Verified

Digitally Signed By:ROHIT
KUMAR PATEL
Signing Date:09.10.2026
19:10:23

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