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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 14.10.2026

CNR No. DLHC010499352026

+ W.P.(CRL) 3267/2026, CrI.M.A. Nos.32576/2026, 32577/2026

SH SOORAJ SAINI AND ORS

.....Petitioners

Through: Ms. Rajshri Sharma, Ms. Kanchan and
Ms. Jyoti, Advs.

versus

STATE NCT OF DELHI AND ANOTHER Respondents

Through: Mr. Anand V. Khatri, SC, Criminal,
GNCTD.Mr. Manoj and Mr. Banke Bihari,
Advs. for R-2 along with R-2.
ASI Sunita, PS Alipur, Delhi.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

SACHIN DATTA, J (Oral.)

1. Issue notice. Learned Standing Counsel accepts notice on behalf of the State.
2. The respondent no.2, who is present in Court, also accepts notice.
3. The present petition has been filed under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ("BNSS")(corresponding to Section 482 of the Code of Criminal Procedure, 1973 ("CrPC")).
4. The petitioner no.1 is the erstwhile husband of respondent no.2. The petitioner nos.2 to 5 are the erstwhile in-laws of respondent no.2.
5. The petitioners seek quashing of FIR No.0412/2024 dated 28.06.2024, under Sections 498A/406/34 of the Indian Penal Code, 1860 ("IPC")

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(corresponding to Sections 85, 316(2) and 3(5), respectively, of the Bharatiya Nyaya Sanhita, 2023), registered at Police Station Alipur, Outer North District, Delhi, and all proceedings emanating therefrom. The FIR was registered on the complaint of the respondent no.2. No charge-sheet has been filed so far.

6. The marriage between the petitioner no.1 and respondent no.2 was solemnized on 18.02.2022 at Delhi, according to Hindu rites and ceremonies. No child was born out of the said wedlock. The parties have been living separately since January 2023. By virtue of a settlement dated 17.08.2024, arrived at before the Counselling Cell, Family Court, West District, Tis Hazari Courts, Delhi, the parties have settled all their matrimonial disputes amicably.

7. Under the settlement, the petitioner no.1 agreed to pay to the respondent no.2 a total sum of Rs.2,45,000/- (Rupees Two Lakh Forty-Five Thousand only), in three instalments, and to return her articles, towards full and final settlement of all her claims. It was specifically agreed that the respondent no.2 would cooperate in the quashing of the instant FIR.

8. It has been submitted by the parties that a sum of Rs.1.6 Lakhs already stands paid pursuant to the Settlement Agreement. The Settlement Agreement contemplates that the remaining amount of Rs.85,000/- would be paid at the time of quashing of the subject FIR.

9. During the course of the hearing today, a bank draft for Rs.85,000/- has been handed over to the respondent no.2. The respondent no.2 confirms receipt thereof. The petitioners and the respondent no.2 have been identified by the concerned Investigating Officer (IO), who is present in Court.

10. The respondent no.2 submits that she has settled her disputes with the

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petitioners voluntarily without any coercion or undue influence. She also affirms that she has received the entire amount, as contemplated in the settlement between the parties. She categorically states that she does not wish to pursue the FIR and has no objection to its quashing. She has also filed an affidavit to the said effect, which is on record.

11. The petitioners and the respondent no.2 undertake to remain bound by the terms of the aforesaid settlement dated 17.08.2024. It is also stated that no other litigation remains pending between the parties, and that the present FIR is the only proceeding that survives between them.

12. This Court is conscious that the offence under Section 498A of the IPC is 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). However, the power of this Court to quash criminal proceedings in exercise of its inherent jurisdiction is distinct from the power of compounding conferred on a criminal court, and is not circumscribed thereby.

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.”

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.

29.3. 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”



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.”

16. Although the offence under Section 498A of the IPC (Section 85 of the BNS) is non-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 dated 17.08.2024; the marriage stands dissolved by a decree of divorce by mutual consent dated 20.03.2025, and there is no issue from the said wedlock; the entire settlement



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amount of Rs.2,45,000/- stands paid, and it is stated that the articles of the respondent no.2 have also been returned to her; and the respondent no.2, who is present in Court, has confirmed the settlement and the receipt of the entire amount, and has also filed an affidavit of no objection. No charge-sheet has been filed, and the investigation has not culminated in a report under Section 173 of the CrPC. In such circumstances, the possibility of conviction is remote and bleak, and the continuation of the proceedings would be an exercise in futility.

17. In the circumstances, the settlement 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 consent of the respondent no.2, supports the conclusion that the continuation of the prosecution would serve no fruitful purpose.

18. In terms of the dicta laid down by the Supreme Court in **Gian Singh** (supra), **Narinder Singh** (supra) and **Jitendra Raghuvanshi** (supra), there is no impediment in acceding to the request of the petitioners to quash the FIR No.0412/2024 and all proceedings emanating therefrom.

19. Accordingly, FIR No.0412/2024 dated 28.06.2024, registered at Police Station Alipur, Outer North District, Delhi, under Sections 498A/406/34 IPC, and all proceedings emanating therefrom, qua all the petitioners, are quashed.

20. The petition, along with the pending applications, is disposed of in the above terms.

SACHIN DATTA, J

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