



2026:DHC:9262



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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision : 15.10.2026

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CNR No. DLHC010302942026

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CRL.M.C. 4900/2026 & CRL.M.A. 20560/2026**SACHIN AND ORS.****.....Petitioner**

Through: Mr. Siddharth Rai Sethi and Mr. Sunny Chhikara, Advocates along with petitioners.

versus**STATE NCT OF DELHI AND ANR.****.....Respondents**

Through: Mr. Hemant Mehla, APP for State along with Mr. Mayank and Mohd. Naved, Advocates
SI Sunil and SI Jitender PS Nangloi.
Mr. Prafulla, Mr. Pankaj Sharma and Mr. Kuldeep Singh, Advocates.

CORAM:**HON'BLE MR. JUSTICE SACHIN DATTA****SACHIN DATTA, J. (ORAL)**

1. The present petition has been filed by the petitioners 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. 228/2019, registered at Police Station Nangloi, Outer District, Delhi, under Sections 498A/406/34 of the Indian Penal Code, 1860 ("IPC") (corresponding to Sections 85, 316(2) and 3(5) respectively of the Bharatiya Nyaya Sanhita, 2023), together with all proceedings emanating therefrom.

2. The aforesaid FIR was registered on the complaint of the respondent no.2, which was initially made before the Crime Against Women Cell. Respondent no.2 was married to petitioner no.1. Petitioner nos.2 and 3 are,



2026:DHC:9262



respectively, her father-in-law and mother-in-law; petitioner no.4 is her brother-in-law; and petitioner no.5 is her aunt-in-law.

3. Petitioner no.1 and respondent no.2 were married on 11.02.2013 according to Hindu rites and ceremonies in Delhi. One daughter was born out of the said wedlock on 29.11.2014, who is in the care and custody of respondent no.2. On account of temperamental differences, the parties have been living separately since June 2021.

4. The complainant alleged, *inter alia*, cruelty, ill treatment and demand of dowry. It is pointed out that the matter was referred to mediation by the learned Trial Court, namely, the court of Ms. Deepika Goyal Shokeen, learned Judicial Magistrate First Class (Mahila Court-03), West, Tis Hazari Courts, Delhi. A settlement is stated to have been arrived at between the parties on 18.02.2025 under the aegis of the Delhi Mediation Centre, Tis Hazari Courts, Delhi, in Mediation No. 9381/2025.

5. The mediation report/settlement agreement has been appended as Annexure-C to the present petition. The same reads as under:

18.02.2025

Present : Complainant/ wife **Smt. Sanju** with counsel Sh. Sunil Seth
Accused No. 1/ husband **Sh. Sachin** with accused no. 3 Sh. Avtar Singh along with Sh. Siddhant Rai Sethi, counsel for all the accused persons.

The above said FIR has been referred for mediation by the Court of Ms. Deepika Goyal Shokeen, Ld. JMFC (Mahila Court-03) West, Tis Hazari Courts, Delhi.

The complainant/ wife has lodged the said FIR against accused no. 1 Sh. Sachin (husband), accused no. 2 Smt. Urmila (Mother-in-law), accused no. 3 Sh. Avtar Singh (father-in-law), accused no. 4 Sh. Sudhir @ Goldi (Chacha Sasur) *who is stated to have expired*, accused no. 5 Smt. Usha (Chachi Sasur) and accused no. 6 Sh. Ashish @ Sagar (Devar) *who is stated to have been abated from the proceedings*.

Besides the abovesaid FIR, the complainant/ wife has also filed a **complaint Under Section 12 of Protection of Women from Domestic Violence Act bearing MC No. 671/2022** against respondent no. 1 Sh. Sachin (husband),



2026:DHC:9262



respondent no. 2 Smt. Urmila (Mother-in-law), respondent no. 3 Sh. Avtar Singh (father-in-law), respondent no. 4 Sh. Sudhir @ Goldi (Chacha Sasur) *who is stated to have expired*, respondent no. 5 Smt. Usha (Chachi Sasur) and respondent no. 6 Sh. Ashish @ Sagar (Devar) which is pending before the Ld. Referral Court.

Accused No. 1/ husband has submitted that he has been duly authorized by accused no. 2 Smt. Urmila (Mother-in-law) and accused no. 5 Smt. Usha (Chachi Sasur), who are accused in the abovesaid FIR and respondents in complaint Under Section 12 of Protection of Women from Domestic Violence Act bearing MC No. 671/2022, to negotiate, finalize and execute the settlement on their behalf.

The marriage between the parties i.e. Smt. Sanju and Sh. Sachin was solemnized on 11.02.2013 as per Hindu rites and ceremonies. There is one child namely Sonakshi born from the wedlock of the parties on 29.11.2014, who is in the care and custody of her mother. Due to some temperamental differences, the parties have been living separately since June, 2021.

I have conducted mediation between the parties. During the mediation, they have voluntarily resolved their disputes. The terms of settlement arrived at between the parties are set out as under :-

1) It is agreed between the parties (husband and wife) that they can not continue the matrimonial life and agreed to dissolve their marriage by obtaining a decree of divorce by way of mutual consent/ court decree in the concerned family court.

2) It has been agreed between the parties that the husband **Sh. Sachin**

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2026:DHC:9262



shall pay a total sum of **₹3,00,000/- (Rupees three lakhs only)** to the wife **Smt. Sanju** towards full and final settlement of all her claims including Istridhan, maintenance (present, past and future) and permanent alimony etc.

3) That aforementioned settlement amount shall be paid by way of DD/ Electronic mode, in the following manner:-

(a) 1st installment of **₹25,000/- (Rupees twenty five thousand only)** shall be paid on 25.02.2025 before the Ld. Referral Court.

(b) 2nd installment of **₹75,000/- (Rupees seventy five thousand only)** shall be paid at the time of recording of statements of the parties in first motion under Section 13 B(1) HMA which shall be filed on or before 15.04.2025.

(c) 3rd installment of **₹25,000/- (Rupees twenty five thousand only)** shall be paid to at the time of withdrawal of complaint Under Section 12 of Protection of Women from Domestic Violence Act bearing MC No. 671/2022 on or before filing of second motion petition.

(d) 4th installment of **₹75,000/- (Rupees seventy five thousand only)** shall be paid to at the time of recording statement of the parties in second motion under Section 13 B(2) HMA which shall be filed on or before 15.07.2025.

(e) 5th installment of **₹1,00,000/- (Rupees one lakh only)** shall be paid at the time of quashing of the above said FIR. The quashing petition shall be moved by the accused on or before 15.10.2025 after passing of decree of divorce by mutual consent. The wife shall cooperate to give statement, filing of affidavit/ NOC and casting her



2026:DHC:9262



appearance before concerned Hon'ble High Court for quashing of present FIR and any subsequent proceedings arising thereto against accused persons namely accused no. 1 Sh. Sachin (husband), accused no. 2 Smt. Urmila (Mother-in-law), accused no. 3 Sh. Avtar Singh (father-in-law) and accused no. 5 Smt. Usha (Chachi Sasur)

- 4) That the minor child/ daughter Sonakshi shall remain in the care and custody of her mother Smt. Sanju.
- 5) That in case of default from either side in carrying out the terms of this settlement, he/she shall be liable to pay a sum of **₹50,000/- (Rupees fifty thousand only)** by way of penalty /compensation to the other side besides refunding the benefit received hereunder.
- 6) That after this settlement, both the parties shall be left with no right, title or interest in the movable or immovable properties of each other or their family members and both the parties and their family members shall not file any case, complaint or litigation against each other with respect to the disputes arises from the present marriage and shall cooperate with each other in execution of present settlement.
- 7) That the parties have gone through the terms herein before recorded and have confirmed and verified the same to be correct and that they are going to sign it without any threat, pressure, coercion or undue influence from any quarter. Both the sides undertake to abide by the terms & conditions mentioned hereinabove.
- 8) Since the parties state that their mother tongue is Hindi, so the settlement is drafted both in English and Hindi language.

6. Pursuant to the settlement, the marriage between petitioner no.1 and respondent no.2 has been dissolved by a decree of divorce by mutual consent under Section 13B(2) of the Hindu Marriage Act, 1955, dated 30.07.2025, passed by the learned Principal Judge, Family Court, West District, Tis Hazari



2026:DHC:9262



Courts, Delhi, in HMA No. 1847/2025. A copy of the decree has been placed on record as Annexure-D (colly).

7. Out of the settled sum of Rs.3,00,000/-, an amount of Rs.2,00,000/- already stands paid to respondent no.2, as recorded in the judgment of the learned Family Court dated 30.07.2025 and in the joint statement of the parties, viz., Rs.25,000/- towards the first instalment; Rs.75,000/- by way of demand draft bearing no.395196 dated 16.04.2025, at the time of the first motion; Rs.25,000/- on 08.05.2025 towards the third instalment; and Rs.75,000/- by way of demand draft bearing no.395393 dated 30.06.2025, at the time of the second motion.

8. A demand draft of Rs.1,00,000/- towards the outstanding amount payable under the settlement agreement has been handed over to the respondent no.2 in Court today. The respondent no.2 affirms the receipt of the same, and confirms that the entire settlement amount of Rs.3,00,000/- now stands paid to her.

9. The respondent no.2, who is present in Court, further states that the settlement was entered into voluntarily, out of her own free will and volition, without any pressure or coercion or undue influence from any quarter, and that she has no objection to the quashing of the FIR and the proceedings emanating therefrom against the petitioners.

10. It is further averred in the petition that all other litigation between the parties, including the complaint filed by respondent no.2 under Section 12 of the Protection of Women from Domestic Violence Act, 2005, bearing MC No. 671/2022, stands withdrawn, and that the present FIR is the only proceeding which remains pending between them.

11. The petitioners as well as respondent no.2 have been duly identified by the concerned Investigating Officer (I.O.) in Court today.



2026:DHC:9262



12. It is well settled that the High Court, in exercise of its inherent power, preserved by Section 528 BNSS (corresponding to Section 482 of the Code of Criminal Procedure, 1973), may quash criminal proceedings arising out of matrimonial disputes where the parties have genuinely settled their disputes and the continuation of the proceedings would be an abuse of the process of the court, or where quashing would secure the ends of justice. The power so preserved is distinct from, and is not circumscribed by, the power of compounding conferred upon a criminal court. Reference in this regard may be made to the decision of the Supreme Court in **Gian Singh v. State of Punjab**, (2012) 10 SCC 303, wherein it was observed 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.

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61. The position that emerges from the above discussion can be summarised thus : the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz. : (i) to secure the ends of justice, or (ii) to prevent abuse of the process of any court. In what cases power to quash the criminal proceeding or complaint or FIR may be exercised where the offender and the victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed. However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim's family and the offender have settled the dispute. Such offences are not private in nature and have a serious impact on society. Similarly, any compromise between the victim and the offender in relation to the offences under special statutes like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity, etc.; cannot provide for any basis for quashing criminal proceedings involving such offences. But the criminal cases having overwhelmingly and pre-dominantly civil flavour stand on different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, High Court may quash criminal proceedings if in its view, because of the compromise between the offender and victim, the possibility of conviction is remote and bleak and continuation of criminal case would put accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the



criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.”

13. Specifically in the context of matrimonial disputes, the Supreme Court in **Jitendra 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.”

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. In the instant petition, this Court has taken due consideration of the nature of the allegations, and the terms and implementation of the settlement. The FIR arises out of a matrimonial relationship, and the wrong complained of is essentially private and personal in nature; the offences alleged do not fall within the category of heinous and serious offences of mental depravity, or offences such as murder, rape or dacoity, which are not private in nature and have a serious impact on society. The matrimonial relationship between petitioner no.1 and respondent no.2 has ended by way of a decree of divorce by mutual consent. The agreed payment has been made, and the complainant



2026:DHC:9262



voluntarily seeks closure. All other proceedings *inter se* the parties stand withdrawn. Respondent no.2, who is the principal witness to the alleged acts of cruelty and ill treatment, no longer supports the prosecution; the possibility of conviction is, therefore, remote and bleak. In these circumstances, the continuation of the criminal proceedings would only result in protracted litigation without serving any useful purpose, and would amount to an abuse of the process of the court.

16. As such, applying the dicta laid down by the Supreme Court in **Gian Singh** (supra), **Jitendra Raghuvanshi** (supra) and **Narinder Singh** (supra), FIR No. 228/2019 registered under Sections 498A/406/34 of the IPC, at Police Station Nangloi, Outer District, Delhi, and all proceedings emanating therefrom, stands quashed *qua* all the petitioners.

17. The petition is allowed and disposed of in the above terms. The pending application also stands disposed of.

SACHIN DATTA, J

OCTOBER 15, 2026/at/sd