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

% ***Date of Decision: 17.11.2026***

\# **CNR No.DLHC010546002026**

\+ **CRL.M.C. 8461/2026, Crl.M.A.35430/2026**

MUKESH KUMAR @ GUDDAN .....Petitioner

Through: Ms. Namrata, Mr. Garvi, Mr. Nitin, Mr. Manish and Mr. Praveen, Advs.

versus

STATE OF NCT OF DELHI & ANR. .....Respondents

Through: Mr. Sanjeev Sabharwal, APP for State.
SI Pankaj Kumar, PS Jyoti Nagar
Ms. Shobha, Adv. for complainant (through v/c)

CORAM:
HON'BLE MR. JUSTICE SACHIN DATTA

SACHIN DATTA, J. (ORAL)

The matter is taken up today as 16.11.2026 was declared a holiday on account of Chatth Puja.

Crl.M.A.35431/2026 (seeking condonation of delay of 64 days in filing)

1. This is an application seeking condonation of delay of 64 days in filing the present petition.

2. Considering the averments made in the application, the same is allowed and the delay of 64 days in filing the present petition stands condoned.

3. The application stands disposed of.

CRL.M.C. 8461/2026

4. The present petition has been filed under Section 528 of the Bharatiya

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Nagarik Suraksha Sanhita, 2023 ("BNSS") seeking quashing of FIR No. 0818/2015 dated 05.10.2015, registered at P.S. Jyoti Nagar, Delhi, under Sections 498A/406/34 IPC and Sections 4/5 of the Dowry Prohibition Act, 1961, and all proceedings emanating therefrom.

5. The petition is based on a settlement between the petitioner and respondent no. 2, who is the complainant and the former wife of the petitioner. The settlement was arrived at through mediation and is recorded in a Settlement Deed dated 04.02.2017.

6. The facts, as they emerged from the record are as follows:

(i) The marriage between the petitioner and respondent no. 2 was solemnized on 28.02.2009 according to Hindu rites and ceremonies. A son was born out of the wedlock on 23.05.2010, and he is in the custody of respondent no. 2. The parties have been living separately since 23.09.2013.

(ii) The subject FIR was registered on 05.10.2015 on the complaint of respondent no. 2. She alleged cruelty and dowry demands by the petitioner and his family members. However the chargesheet has been filed only against the petitioner, and the trial is pending before the learned JMFC (Mahila Court), Shahdara, Karkardooma Courts, Delhi. As per the affidavits filed by the parties, it is at the stage of prosecution evidence.

(iii) Respondent no. 2 had also filed a complaint under Section 12 of the Protection of Women from Domestic Violence Act, 2005. In those proceedings, the parties were referred to mediation, wherein *vide* settlement deed dated 04.02.2017, the parties settled all their matrimonial disputes.

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7. The understanding / settlement between the parties has been set out in a Settlement Deed dated 04.02.2017, entered into, pursuant to mediation under the aegis of Delhi Mediation Centre, Karkardooma Courts, Delhi. The same has been filed as Annexure-P2 to the present petition, which reads as under:

Present case u/s 12 DV Act filed by complainant/ wife against the respondents, have been received for mediation from the court of Ms. Babita Puniya, Ld. MM, Karkardooma Courts, Delhi.

As stated by the parties, the marriage between the complainant Ms. Renu Kumari with respondent Sh. Mukesh was solemnized on 28.02.2009 according to Hindu rites and ceremonies. Out of the wedlock of the parties, one child namely Puneet (now aged about 6 years) was born, who is in the care and custody of his mother/ complainant. Due to certain temperamental differences, both the parties have been living separately for the last about four years.

As stated, apart from present case, following cases are also pending :-

(i) ***A case FIR No. 818/15, U/s 498A/406/34 IPC, PS Jyoti Nagar*** registered on the complaint of complainant/ wife against the respondent/ husband and his family members is pending investigation.

(ii) ***An Execution Petition*** filed by complainant/ wife against the respondent/ husband is pending before the Ld. Referral court.

Mediation process explained to the parties. Single and joint sessions held with the parties. Now, the parties have amicably and voluntarily settled all their matrimonial disputes on the following terms and conditions :-

1. It has been agreed between the parties that due to temperamental differences they are not able to stay together and have agreed to dissolve their marriage by obtaining a decree of divorce by way of mutual consent.

2. It has been agreed between the parties that the respondent / husband Sh. Mukesh shall pay a total sum of Rs. 2,50,000/- (Rupees two lac fifty thousand only) to complainant/wife Ms. Renu Kumari towards full and final settlement of all her claims including Istridhan, maintenance (present, past and future) for herself as well her minor child, permanent alimony, etc.

3. It has been agreed between the parties that the abovesaid settlement amount shall be paid in installments, in the following manner :-

(i) 1st installment of Rs. 1,00,000/- (Rupees one lac only) shall be paid by the respondent /husband to the complainant/wife by way of cash/DD (in the name of complainant/wife) before the court concerned at the time of recording of the statements of the parties in first motion petition for mutual divorce which shall be filed on or before 10.02.2017.

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(ii) 2nd installment of Rs. 1,00,000/- (Rupees one lac only) shall be paid by the respondent /husband to the complainant/wife by way of cash/DD (in the name of complainant/wife) before the court concerned at the time of making statements of the parties in second motion petition for mutual divorce which shall be filed within 15 days after expiry of statutory period.

(iii) 3rd installment of Rs. 50,000/- (Rupees fifty thousand only) shall be paid by the respondent /husband to the complainant/wife by way of cash/DD (in the name of complainant/wife) at the time of making statements before the Hon'ble High Court of Delhi for quashing of FIR No. 818/15, U/s 498A/406/34 IPC, PS Jyoti Nagar Bazar which shall be filed by respondents within 15 days after passing of decree of divorce by mutual consent. The complainant/wife shall cooperate with respondent/husband and his family members in quashing of instant FIR before the Hon'ble High Court.

4. It is further agreed between the parties that custody of minor child Puneet shall remain with his mother / complainant and respondent/ husband shall not claim custody of the minor child in future and there shall be no visitation rights between them.

5. It is further agreed between the parties that the complainant/wife shall withdraw all the cases (as mentioned above), from the courts concerned within 30 days after recording statement of parties at 1st motion.

6. It is further agreed between the parties that the 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 shall not file any case, complaint or litigation against each other in future pertaining to the present marriage.

7. It is further agreed between the parties that they will not interfere in the lives of each other and shall part ways amicably.

8. This settlement is arrived at between the parties voluntarily, without there being any pressure, coercion or threat or undue influence of any kind and contents of the same have been read over to the parties in vernacular.

9. It is agreed between the parties that they shall remain bound by the aforesaid terms of settlement.

8. Learned counsel for the petitioner submits that the disputes are purely matrimonial. The marriage stands dissolved and the entire settlement amount stands paid.

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9. The respondent no.2, who appears virtually and is also represented by counsel, submits that matter has been settled voluntarily. She submits that she has received the full settlement amount and has no objection to the quashing of the subject FIR.

10. It is noticed that the offences arise out of a matrimonial dispute, which stands resolved. The marriage was dissolved by mutual consent on 27.11.2018.

11. From the statement of respondent no.2, it is apparent that the settlement is voluntary.

12. In the circumstances, the continuation of the FIR and the proceedings emanating therefrom would be an exercise in futility.

13. Applying the dicta laid down by the Supreme Court in ***Gian Singh v. State of Punjab***, (2012) 10 SCC 303 and ***Narinder Singh v. State of Punjab***, (2014) 6 SCC 466, I find no impediment in allowing the present petition.

14. In ***Gian Singh v. State of Punjab***, (2012) 10 SCC 303, it was observed as under:

> ***"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*

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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 predominatingly civil flavour stand on a 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, the High Court may quash the criminal proceedings if in its view, because of the compromise between the offender and the victim, the possibility of conviction is remote and bleak and continuation of the criminal case would put the 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 the wrongdoer and whether to secure the ends of justice, it is appropriate that the criminal case is put to an end and if the answer to the above question(s) is in the affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding."

15. In ***Narinder Singh v. State of Punjab***, (2014) 6 SCC 466, the Supreme Court held as under:

> ***"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.*
>
> ***29.6.*** *Offences under Section 307 IPC would fall in the category of heinous and serious offences and therefore are to be generally treated as crime against the society and not against the individual alone. However, the High Court would not rest its decision merely because there is a mention of Section 307 IPC in the FIR or the charge is framed under this provision. It would be open to the High Court to examine as to whether incorporation of Section 307 IPC is there for the sake of it or the*

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> *prosecution has collected sufficient evidence, which if proved, would lead to proving the charge under Section 307 IPC. For this purpose, it would be open to the High Court to go by the nature of injury sustained, whether such injury is inflicted on the vital/delicate parts of the body, nature of weapons used, etc. Medical report in respect of injuries suffered by the victim can generally be the guiding factor. On the basis of this prima facie analysis, the High Court can examine as to whether there is a strong possibility of conviction or the chances of conviction are remote and bleak. In the former case it can refuse to accept the settlement and quash the criminal proceedings whereas in the latter case it would be permissible for the High Court to accept the plea compounding the offence based on complete settlement between the parties. At this stage, the Court can also be swayed by the fact that the settlement between the parties is going to result in harmony between them which may improve their future relationship."*

16. Accordingly, subject FIR No. 0818/2015 dated 05.10.2015, registered at P.S. Jyoti Nagar, Delhi, and all proceedings emanating therefrom, stand quashed.

17. It is made clear that the settlement between the parties and this order shall not be construed as affecting the rights of the minor child, born out of the wedlock.

18. The petition is disposed of in the above terms. Pending application also stands disposed of.

SACHIN DATTA, J

NOVEMBER 17, 2026/cl

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