



2026:DHC:8132



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

% **Date of Decision: 21st September, 2026**

CNR No. DLHC010448122026

+ **CRL.M.C. 7001/2026**

MOHD JAVED KHALIFA ALIAS KHALIFA JAVED & ORS.

.....Petitioners

Through: **Mr. Raj Kumar & Mohd. Riyaz,**
Advocates (through VC)

versus

THE STATE GOVT OF NCT OF DELHI AND ANR.

.....Respondents

Through: **Mr. Sunil Kumar Gautam, APP for**
State (Mob: 9871349009)
SI Ritik Bhardwaj, PS Geeta Colony
Mob: 9354615262
Respondent no. 2 in person (through
VC)

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

MINI PUSHKARNA, J. (Oral):

1. The present petition has been filed under 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ("BNSS"), corresponding to Section 482 of the Code of Criminal Procedure, 1973 ("CrPC"), seeking quashing and cancelling of the First Information Report ("FIR") being *FIR No. 0395/2019*, dated 29th November, 2019, registered under Sections 498A, 406 and 34 of the Indian Penal Code, 1860 ("IPC"), in Police Station ("PS")-Geeta Colony, Shahdara District, Delhi.
2. The prayer for quashing of the FIR has been made on the ground of the



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parties having arrived at a Mediation Settlement on 19th September, 2023, before the Delhi Mediation Centre, Karkardooma Courts, Delhi, in *Mediation Case No. L-5866/2023*.

3. Issue notice. Notice is accepted by learned Additional Public Prosecutor (“APP”) for the State as well as by respondent no. 2, appearing in person before this Court through Video Conferencing (“VC”).

4. Learned APP for the State submits that he has no objection in the present petition being allowed.

5. As per the facts on record, the following is culled out:

5.1. Respondent no. 2 is related to the petitioners in the way that petitioner no. 1 is the husband, petitioner no. 2 is the brother-in-law, petitioner no. 3 is the mother-in-law, petitioner no. 4 is the father-in-law and petitioner no. 5 is the sister-in-law.

5.2. There was irretrievable break down of the marriage between petitioner no. 1 and respondent no. 2 due to incompatible behaviour, conduct and temperament of the parties. Thus, in the month of June, 2019, they started living separately.

5.3. During this period, respondent no. 2 lodged an FIR on 29th November, at PS-Geeta Colony, Shahdara District, Delhi, against the petitioners herein, being *FIR No. 0395/2019*.

5.4. Additionally, respondent no. 2 filed a case against petitioner no. 2 under Section 125 of the CrPC seeking maintenance which was decided *vide* order dated 25th April, 2023.

5.5. Further, two criminal execution petitions were also filed by the respondent no. 2 against the petitioner no. 1, which were disposed of on 14th September, 2023.



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5.6. Lastly, the case filed by respondent no. 2 under Section 12 of the Protection of Women from Domestic Violence Act, 2005, against petitioner no. 1 stood settled by way of the Mediation Settlement dated 19th September, 2023, and was disposed of on 18th December, 2024.

6. Today, this Court has been informed that the Chargesheet in the criminal case instituted in connection with the *FIR No. 0395/2019*, under Sections 498A, 406 and 34 of the IPC, filed before the Judicial Magistrate First Class (Mahila Court), East, Karkardooma Courts, Delhi, is pending adjudication.

7. It is submitted that both the parties, i.e., petitioner no. 1 and respondent no. 2 have amicably settled all their disputes as per the terms and conditions recorded in the Mediation Settlement dated 19th September, 2023, with the intervention of common friends and relatives. After the said settlement, the petitioner no. 1-husband and respondent no. 2-wife have started living together along with their three daughters. Thus, the present joint petition for quashing of *FIR No. 0395/2019* has been filed before this Court.

8. Having heard learned counsels appearing for the parties, this Court notes that the dispute between the petitioner no. 1 and respondent no. 2 stand settled and no useful purpose would be served if the proceedings under the *FIR No. 0395/2019* continue to remain alive.

9. Learned counsels appearing for the parties present physically before this Court as well as the parties who are appearing before this Court through VC confirm that the Mediation Settlement dated 19th September, 2023, has been entered into voluntarily and without any coercion or undue pressure.

10. Respondent no. 2, who is appearing before this Court through VC states that she has no objection in quashing of the *FIR No. 0395/2019* in *toto*, i.e.,



against all the accused.

11. The Supreme Court has clearly held that in certain circumstances, the High Courts, in exercise of their powers under Section 528 of the BNSS (corresponding to Section 482 of CrPC), can quash criminal proceedings, even with respect to non-compoundable offences, on the ground that there is a compromise between the accused and the complainant, especially, when no overarching public interest is adversely affected.

12. The Supreme Court in the case of ***Gian Singh Versus State of Punjab and Another, (2012) 10 SCC 303***, has held as follows:

“xxx xxx xxx

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.
xxx xxx xxx”

(Emphasis Supplied)

13. Further, in the case of ***Narinder Singh and Others. Versus State of Punjab and Another, (2014) 6 SCC 466***, the Supreme Court has laid down guidelines for the High Courts while accepting settlement deeds between the parties and quashing the proceedings. The relevant observations in the said decision read as under:

“xxx xxx xxx

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.

xxx xxx xxx”

14. This Court notes that in the present case, the proceedings arise out of a matrimonial relationship, and the parties after the settlement have already started living together peacefully.

15. This Court has interacted with respondent no. 2 who has categorically affirmed before this Court the voluntary nature of the Mediation Settlement.

16. She confirms that she is living happily and peacefully with her husband for the last three years.

17. In these circumstances, the criminal proceedings are unlikely to result in conviction, and its continuation would be an empty formality adding to the burden of the justice system and consuming public resources.



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18. Having regard to the above discussion, the present petition is allowed, and *FIR No. 0395/2019* registered under Sections 498A, 406 and 34 of the IPC at PS-Geeta Colony, Shahdara District, Delhi, and the proceeding pending in the Court of Judicial Magistrate First Class (Mahila Court), District East, Karkardooma Courts, Delhi in the *Case No. 3890/2022*, titled as *State Versus Khalifa Javed & Ors.*, are hereby quashed.
19. The parties will remain bound by the terms of the Mediation Settlement dated 19th September, 2023.
20. The petition accordingly stands disposed of.

MINI PUSHKARNA, J

SEPTEMBER 21, 2026/ak