



2026:DHC:8376



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% **Date of Decision: 24th September, 2026**# **CNR No. DLHC010396992026**+ **CRL.M.C. 6248/2026 & CRL.M.A. 26073/2026****VIBHOR GARG & ORS.****.....Petitioners**

Through: Mr. Punit Jain with Mr. M. Saquib
and Mr. Ali Shazaib, Advocates with
petitioner no. 1 in person.
(M): 9810024729, 8899061944

versus

THE STATE (GOVT OF N.C.T OF DELHI) & ANR.....Respondents

Through: Mr. Sunil Kumar Gautam, APP for
the State.
(M): 9871349009
Email: sunil.skgautam@gmail.com
SI Chanchal, PS P.P. Pur.
Mr. Harish Kumar, Advocate for
respondent no. 2 with respondent no.
2 in person.
(M): 9599931376

CORAM:**HON'BLE MS. JUSTICE MINI PUSHKARNA****MINI PUSHKARNA, J. (Oral):**

1. The present petition has been filed under Section 528 of the BNSS seeking quashing of the First Information Report ("FIR") being *FIR 267/2018* dated 31st October, 2018, registered at Police Station ("PS") Pul Prahlad Pur, South East, Delhi, under Sections 498A/406/34 of the Indian Penal Code, 1860 ("IPC"), along with all proceedings emanating therefrom.



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2. Issue Notice.
3. Notice accepted by learned Additional Public Prosecutor (“APP”) for the State as well as learned counsel appearing for respondent no. 2, i.e., the complainant.
4. The petition is taken up for disposal with the consent of the parties.
5. The impugned *FIR 267/2018* under Sections 498A/406/34 of the IPC was registered on 31st October, 2018 at PS Pul Prahlad Pur, South East, Delhi, pursuant to the written compliant of Smt. Sweeti Gupta, i.e., respondent no. 2 herein.
6. The primary allegations in the impugned FIR are that respondent no. 2 and petitioner no. 1 were married on 21st April, 2015, in which, her family had spent a substantial amount of money, and that petitioner no. 1, along with her in-laws, after the marriage, repeatedly threatened, assaulted and abused her and made demands for financial considerations from her and her family.
7. It has further been alleged that on 28th February, 2016, respondent no. 2’s in-laws had sent her away, while retaining all cash, gold and other items, with a promise to take her back. However, despite the said promise, respondent no. 1 was not taken back and she has been staying with her parents ever since.
8. A Chargesheet under Section 498A/406/24 of the IPC has been filed by the Investigating Officer (“IO”) before the Trial Court, against the petitioners herein.
9. During the pendency of the proceedings, the parties entered into a settlement, as recorded in the Memorandum of Understanding (“MoU”) dated 03rd September, 2022, under the aegis of the Counselling Cell, Family



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Court, Rohini Courts, Delhi. In the said MoU, respondent no. 2 and petitioner no. 1 agreed for dissolution of their marriage by mutual consent under Section 13B of the Hindu Marriage Act, 1955 (“HMA”).

10. In light of the said MoU, the marriage between petitioner no. 1 and respondent no. 2 has been dissolved *vide* a decree of divorce by mutual consent dated 03rd November, 2025, by the Principal Judge Family Courts, North District, Rohini Courts, Delhi, in *HMA 254/2025*.

11. The parties are present in Court, and are identified by their respective learned counsels.

12. It is submitted that as per the terms of the MoU dated 03rd September, 2022, petitioner no. 1 is required to pay a sum of Rs. 09 Lacs, in total, to respondent no. 2.

13. This Court is informed that a sum of Rs. 06 Lacs already stands paid to respondent no. 2. Further, a sum of Rs. 03 Lacs is payable to respondent no. 2.

14. Learned counsel appearing for the petitioners has handed over a Demand Draft for a sum of Rs. 03 Lacs to respondent no. 2, which has been duly accepted by respondent no. 2, who is present in Court.

15. Respondent no. 2 is represented by a counsel and is duly identified by her counsel as well as the Investigating Officer (“IO”), who is also present in the Court.

16. In light of the aforesaid, the parties seek quashing of the impugned FIR.

17. This Court has interacted with respondent no. 2, who confirms the fact that the matter has been settled out of her own volition. She further submits that she does not wish to pursue the matter any further. However,



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she apprehends that in the future, petitioner no. 1 or his family members might disturb the peaceful life of respondent no. 2 or her family members.

18. Accordingly, petitioner no. 1 and his family members are advised not to get in touch with respondent no. 2 or her family members. Further, neither petitioner no. 1 nor his family members shall create any kind of disturbance in the life of respondent no. 2 in any manner whatsoever.

19. Learned APP submits that in view of the facts and circumstances of the present case, he does not object to the present petition.

20. Having heard learned counsels appearing for the parties, this Court notes that the matter has finally been settled between the parties.

21. This Court also takes note of the statement jointly made by the parties that the MoU dated 03rd September, 2022 has been entered into voluntarily and without any coercion.

22. This Court further notes that Section 498A of the IPC, under which the petitioners have been charged, is not a compoundable offence.

23. It is no longer *res-integra* that this Court has the power to quash the criminal proceedings in cases of non-compoundable offences under the Cr.P.C (Now the BNSS), wherein, the parties have settled the matter between themselves.

24. The Supreme Court has clearly held that, in certain circumstances, the High Courts, in exercise of their powers under Section 528 of BNSS (corresponding to Section 482 of Cr.P.C), 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.

25. 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)

26. 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”

(Emphasis Supplied)

27. It is also to be noted that this Court in the case of ***Deepak Kumar Versus State (Govt. of NCT) of Delhi and Another, 2024 SCC OnLine Del 1305***, while quashing an FIR on the basis of settlement between the parties held as follows:

“xxx xxx xxx

6. Petitioner in the present case seeks to invoke the powers under Section 482 of Code of Criminal Procedure. The same is to be used to secure the ends of justice or to prevent the abuse of process of any Court. In which cases, the power to quash the criminal proceedings or the complaint or FIR may be used when the offender as well as victim have settled their dispute, would depend upon the facts and circumstances of each case and no generalised list or categories can be prescribed. However, the Court is required to give due regard to the nature and gravity of the offence and consider the impact on the society.

xxx xxx xxx”

(Emphasis Supplied)

28. In the present case, the proceedings between the parties arise out of a



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matrimonial relationship, which has already culminated in a decree of divorce dated 03rd November, 2025. Respondent no. 2 has also categorically affirmed the voluntary nature of the settlement, before this Court. Thus, this Court is of the opinion that it would be unfair or contrary to the interest of justice to continue with the criminal proceedings in the present case, since the offence, although non-compoundable, is in the nature of a matrimonial dispute and the same has been resolved by way of settlement by way of counselling.

29. The MoU dated 03rd September, 2022 mandates payment of Rs. 09 Lacs by petitioner no. 1 to respondent No. 2, out of which Rs. 06 Lacs already stands paid. The balance amount of Rs. 3,00,000/- has been handed over to respondent no. 2 in Court today. There is therefore no impediment in granting the relief sought.

30. Accordingly, considering the facts and circumstances of the present case, it is directed that *FIR 267/2018* dated 31st October, 2018, registered at PS Pul Prahlad Pur, South East, Delhi, under Sections 498A/406/34 of the IPC, along with all proceedings emanating therefrom, is quashed.

31. The present petition along with the pending application is accordingly disposed of.

MINI PUSHKARNA, J

SEPTEMBER 24, 2026

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