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

% **Date of Decision: 25th September, 2026**

CNR No. DLHC010461772026

+ CRL.M.C. 7217/2026 & CRL.M.A. 30126/2026, 30127/2026 &
30128/2026

AJAY TRIPATHI AND ORS.

.....Petitioners

Through: Mr. Amiditya Sharma with Mr.
Sanjay K. Chadha, Advocates with
petitioners in person.
(M): 8319978130
Email: amidityasharma@bsklegal.org

versus

STATE (NCT OF DELHI) THROUGH SHO, AND ORS.

.....Respondents

Through: Mr. Shoaib Haider, APP for the State.
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shoaibhaideradvocate@gmail.com
SI Ritu Kumari, PS Kishangarh/SWD
with SI Dharmendra, PS Naraina
(M): 9414569235
Ms. Kritika Mathpal, complainant in
person.
Mr. Ankur Modi, Advocate for
respondent no. 2.



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CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

MINI PUSHKARNA, J. (Oral):

CRL.M.A. 30128/2026 (For condonation of Delay)

1. The present application has been filed seeking condonation of delay of 11 days in re-filing the captioned petition.
2. Considering the submissions made before this Court, the said delay stands condoned.
3. Application accordingly stands disposed of.

CRL.M.C. 7217/2026

4. By way of the present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ("BNSS") corresponding to Section 482 of the Code of Criminal Procedure, 1973 ("CrPC"), the petitioners seek quashing of the First Information Report ("FIR") being *FIR No. 0380/2022* dated 10th August, 2022, registered under Sections 498A/406/354/34 of the Indian Penal Code, 1860 ("IPC"), at Police Station ("PS") Kishan Garh, South West, Delhi, and all consequential proceedings emanating therefrom.
5. Issue notice. Notice is accepted by learned Additional Public Prosecutor ("APP") for the State as well as by learned counsel for respondent no. 2.
6. The petitioners and respondent no. 2 are present in person before this Court and have been duly identified by their respective counsel as well as by the Investigating Officer ("IO").
7. It is noted that *FIR No. 0788/2021* was lodged at the instance of respondent no. 2, who is the wife of petitioner no. 1. Petitioners nos. 2 and 4 are the parents of petitioner no. 1 and petitioner no. 3 is the brother of



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petitioner no. 1.

8. The marriage between petitioner no. 1 and respondent no. 2 was solemnised on 11th December, 2020, at Uttar Pradesh, according to Hindu rites and customs. However, due to matrimonial discord and temperamental differences, the parties have been living separately since 16th July, 2021. Out of the wedlock, one child was born who passed away five months later.

9. It is noted that respondent no. 2 lodged a formal complaint before the Crime against Women Cell (“CAW”), and the same culminated into the FIR in question, against the petitioners herein.

10. Subsequently, a Chargesheet also came to be filed by the IO in June, 2023, before the Judicial Magistrate First Class, Patiala House Court, New Delhi.

11. As per the said Chargesheet, petitioner nos. 1, 2 and 3 have been accused under Sections 498A/406/34 of the IPC, while petitioner no. 3 has been accused under Sections 498A/354/34 of the IPC.

12. During the pending of the proceedings, petitioner no. 1 and respondent no. 2 have entered into a Memorandum of Understanding (“MoU”) on 07th March, 2026, at New Delhi.

13. Learned counsel appearing for the petitioners submits that by of the MoU all the disputes between the parties stand settled. Further, pursuant to the said MoU, the marriage between petitioner no. 1 and respondent no. 2 has been dissolved by way of a decree of divorce by mutual consent, by the Family Court, Patiala Courts Complex, New Delhi, *vide* order dated 21st May, 2026.

14. It is submitted that as per the MoU, petitioner no. 1 was required to pay a sum of Rs. 40,00,000/- to respondent no. 2, in three stipulated



instalments amounting to Rs. 15,00,000/-, Rs. 15,00,000/- and Rs. 10,00,000/-, respectively.

15. It is further submitted that a sum of Rs. 30,00,000/- has already been paid and that Rs. 10,00,000/- is to be paid during the subsistence of the present quashing proceedings.

16. Learned counsel appearing for respondent no. 2, along with respondent no. 2 in person, confirm the fact that the settlement amount up to Rs. 30,00,000/- already stands paid to her.

17. Further, today in Court, a sum of Rs. 10,00,000/- has been handed over by petitioner no. 1 to respondent no. 2.

18. Thus, in view of the aforesaid settlement/comprise, learned counsel appearing on behalf of respondent no. 2 submits that she does not wish to pursue the matter any further.

19. It is well settled that this Court, in exercise of its inherent powers, may quash criminal proceedings even in cases involving non-compoundable offences, in cases where the parties have arrived at a mutual settlement/understanding. However, this power must be exercised with circumspection when allegations of a serious or heinous nature have been made out. In this regard, attention may be afforded to the case of ***Gian Singh Versus State of Punjab and Another (2012) 10 SCC 303***, whereby, the scope and limitations of the inherent powers of the High Court have been enumerated. The relevant extracts are reproduced as below:

“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.

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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 predominantly 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.

xxx xxx xxx”

(Emphasis Supplied)

20. Even in the case of ***Narinder Singh and Others Versus State of Punjab and Another, (2014) 6 SCC 466***, the Supreme Court has formulated guiding principles for the exercise of jurisdiction under Section 482 of the CrPC, corresponding to Section 528 of the BNSS, in cases involving compromise. It has been emphasised that the power to quash is distinct from the power of compounding under Section 320 of the CrPC, and must be exercised sparingly, keeping in mind the nature and gravity of the offence.

“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)

22. In the present case, the dispute between the parties stems from a matrimonial relationship that has ended in divorce. They have lived separately since 2021, and there is nothing to suggest that any acrimony remains between them. Respondent no. 2 has appeared before this Court and unequivocally affirmed that the settlement was entered into voluntarily, without coercion, undue influence or pressure of any kind.

23. Thus, applying the tests laid down by the Supreme Court, this Court is of the view that, in these circumstances, the criminal proceedings are unlikely to result in conviction and their continuation would be an empty formality, adding to the burden on the justice system and consuming public



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resources unnecessarily.

24. Accordingly, considering the submissions made before this Court, *FIR No. 0380/2022* dated 10th August, 2022, registered at PS Kishangarh, South West, under Sections 498A/406/354/34 of the IPC, and other consequential proceedings emanating therefrom, are quashed.

25. The present petition, along with the pending applications, is accordingly disposed of in view of the aforesaid terms.

MINI PUSHKARNA, J

SEPTEMBER 25, 2026

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