



2026:DHC:8592



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% **Date of Decision: 30th September, 2026**# **CNR No. DLHC010471902026**+ **CRL.M.C. 7361/2026 & CRL.M.A. 30761/2026****PREMCHAND**

.....Petitioner

Through: Mr. Jeetendra Kumar Singh,
Advocate with petitioner in person.
(M): 9560177244

versus

STATE NCT OF DELHI & ANR.

.....Respondents

Through: Ms. Kiran Bairwa, APP for the State.
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Email:
advocatekiranbairwa@gmail.com
ASI Laxmi, PS, CWC, Manak Pura.
(M): 8920549596
Email: laxmiteotia1@gmail.com

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

1. The present petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ("BNSS")/Section 482 of the Code of Criminal Procedure, 1973 ("CrPC"), seeking quashing of the First Information Report ("FIR") being *FIR No. 0189/2016*, dated 17th October, 2016, registered at Police Station ("PS") Crime (Women) Cell Nanak Pura, Special Police Unit for Women and Children, Delhi, under Sections 498A/406/34 of the Indian Penal Code, 1860 ("IPC"), and all consequential



proceedings emanating therefrom, on the ground of settlement between the parties.

2. Issue notice.

3. Notice is accepted by Learned Additional Public Prosecutor (“APP”) for the State.

4. The petition is taken up for disposal with the consent of the parties.

5. The petitioner and respondent no. 2 got married on 17th July, 2013, and a son, namely, Master Yash, was born on 22nd December, 2014 out of the said wedlock. The petitioner and respondent no. 2 have been living separately since February, 2015.

6. The impugned FIR came to be registered on 17th October, 2016, pursuant to the written complaint by respondent no. 2 to the Joint Commissioner, Women Crime Branch, Moti Bagh, Nanak Pura, New Delhi.

7. During the pendency of the proceedings, the petitioner and respondent no. 2 were referred to Mediation. Subsequently, the parties entered into a Mediation Settlement dated 22nd May, 2023, thereby amicably resolving all their disputes. The parties agreed to a divorce by mutual consent and that the custody of the minor child shall remain with respondent no. 2, while the petitioner shall have visitation rights on every 2nd Saturday of each month.

8. *Vide* the said settlement, the parties have agreed to cooperate with each other in quashing of the impugned FIR.

9. The parties are present in Court. They are identified by their respective counsels as well as the Investigating Officer (“IO”), who is present in Court.

10. This Court is informed that the petitioner and respondent no. 2 have obtained a decree of divorce by mutual consent dated 04th June, 2025,



passed by the Principal Judge, Family Court, South-West, Dwarka, Delhi, India, in *HMA 1607/2025*.

11. Respondent no. 2, who is present in Court, submits that she does not wish to pursue the present matter any further. She confirms the fact that she has settled all her disputes with the petitioner and the parties have also obtained a decree of divorce by mutual consent.

12. This Court is further informed that there is one minor child and the custody of the said child is with respondent no. 2.

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

14. Having heard the learned counsels appearing for the parties as well as respondent no. 2, this Court notes that the matter has been finally settled between the petitioner and respondent no. 2.

15. In respect of the offences in impugned FIR, this Court notes that the offence under Section 498A of the IPC is non-compoundable.

16. The Supreme Court has held that under Section 528 of the BNSS, High Courts may quash criminal proceedings, even with respect to non-compoundable offences, if the concerned parties have arrived at a compromise or settlement, and particularly when no overarching public interest is adversely affected by quashing the same.

17. In *Jitendra Raghuvanshi and Others Versus Babita Raghuvanshi and Another, (2013) 4 SCC 58*, the Supreme Court has held that the High Courts are empowered to quash an FIR in case of matrimonial disputes in order to foster genuine settlements, even when the offences involved are non-compoundable in nature. The relevant portion of the said judgment reads as under:



“xxx xxx xxx

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.

xxx xxx xxx”

(Emphasis Supplied)

18. Considering the facts and circumstances of the present case, the present petition is allowed and *FIR No. 0189/2016*, dated 17th October, 2016, registered at PS Crime (Women) Cell Nanak Pura, Special Police Unit for Women and Children, Delhi, under Sections 498A/406/34 of the IPC, and all consequential proceedings emanating therefrom are hereby quashed.

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

MINI PUSHKARNA, J

SEPTEMBER 30, 2026/c