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

% *Date of decision: 29th September, 2026*

\# **CNR No. DLHC010029172026**

CRL.M.A. 30612/2026
IN
\+ W.P.(CRL) 334/2026

MOHD ISRAIL (SENIOR CITIZEN) & ORS. .....Petitioners

Through: Mr. M. Hasibuddin and Ms. Ruhani Sahanu, Advocates

versus

THE STATE (GOVT. OF NCT OF DELHI) & ORS. .....Respondents

Through: Ms. Rupali Bandhopadhya, ASC for State with Mr. Abhijeet Kumar, Advocate for State
Mr. C. Andhikesavan, Mr. Amar Pal and Mr. Dishant Singh, Advocates for complainant along with complainant in person
W/SR Nisha, P.S. Sangam Vihar

CORAM:
HON'BLE MR. JUSTICE AMIT BANSAL

AMIT BANSAL, J. (Oral)

CRL.M.A. 30612/2026 *(early hearing)*

1. This application has been filed on behalf of the petitioner nos.1 and 2 seeking early hearing of the petition.

2. For the reasons stated, the application is allowed and the writ petition is being taken up for hearing today.

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W.P.(CRL) 334/2026

3. The present petition has been filed seeking quashing of FIR No.261/2025 dated 24th October, 2025 under Sections 64(1)/123/351(3)/3(5) of the Bharatiya Nyaya Sanhita, 2023 ('BNS'), registered earlier at Police Station Kanth, Moradabad, U.P. transferred to Police Station Sangam Vihar, New Delhi, and proceedings arising therefrom.

4. The brief facts flowing from the FIR are as follows.

i. Petitioner no.2 is the husband of respondent no. 2 and petitioner nos. 1 and 3 are the relatives of petitioner no.2. The marriage between petitioner no.2 and respondent no.2 was solemnised on 7th April, 2015 as per Muslim rites and customs.

ii. After their marriage, the respondent no.2 and the petitioner no.1 resided together and a daughter was born out of the said wedlock.

iii. After 8 years of marriage, matrimonial disputes arose between the petitioner no.2 and the respondent no.2 which led to the filing of the present FIR by respondent no. 2 against the petitioners.

5. To be noted, the matrimonial disputes between the parties have resulted in substantial litigation between them, including the institution of several FIRs, civil and criminal proceedings against each other.

6. Notice in the present petition was issued on 30th January, 2026.

7. Status report filed by the respondent no.1/State is on record. The State opposes the present petition on the ground of seriousness of the charges.

8. The Court is conscious that, ordinarily, cases relating to offences under Section 64 BNS (erstwhile Section 376 of the Indian Penal Code, 1860) should not be quashed under Section 482 of the Code of Criminal

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Procedure, 1973 ('Cr.P.C.') on the ground of settlement. In this regard, reference may be made to the observations of the Supreme Court in ***Gian Singh* v. *State of Punjab,*** (2012) 10 SCC 303, in respect of the power of the High Court to quash criminal proceedings under Section 482 Cr.P.C.

> *"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 F.I.R may be exercised where the offender and 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 serious impact on society...."*

9. While it is true that serious and heinous offences cannot be quashed merely on the basis of a settlement between the parties, the same is not an absolute rule. The exercise of power under Section 482 Cr.P.C. depends on the facts and circumstances of each case. Accordingly, in appropriate cases, the Supreme Court, as well as this Court, have quashed proceedings involving an offence under Section 376 IPC. Reference in this regard may be made to ***Jatin Agarwal v. State of Telangana***, 2022 SCC OnLine SC 1969, wherein the Supreme Court was dealing with the quashing of an FIR registered under Sections 417, 420 and 376 IPC. The relevant observations of the Supreme Court are set out below:

> *"5. Considering the aforesaid facts and keeping in view that the respondent no. 2/complainant has herself made a statement before us that*

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she has married the appellant and now living happily, we exercise our powers under Article 142 of the Constitution of India and to do complete justice in the matter, we quash the FIR dated 16.08.2020 lodged by the respondent no. 2 against the appellant under Sections 417, 420 and 376 IPC…."

10. Reference may also be made to ***Kapil Gupta v. State of NCT of Delhi & Anr***., (2022) 15 SCC 44, wherein the Supreme Court, while dealing with a petition for quashing an FIR registered under Section 376, having regard to the facts and circumstances of the case, reversed the dismissal of the High Court. Relevant observations from the said judgment are set out below:

"11. No doubt that the learned ASG is right in relying on various judgments of this Court which reiterate the legal position that in heinous and serious offences like murder or rape, the Court should not quash the proceedings. It will be relevant to refer to paras 29.5 to 29.7 of the judgment of this Court in Narinder Singh v. State of Punjab, which reads thus:

"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.***

…

29.7. ***While deciding whether to exercise its power under Section 482 of the Code or not, timings of settlement plays a crucial role****. Those cases where the settlement is arrived at immediately after the alleged commission of offence and the matter is still under investigation, the High Court may be liberal in accepting the settlement to quash the criminal proceedings/investigation. It is because of the reason that at this stage the investigation is still on and even the charge-sheet has not been filed. Likewise, those cases where the charge is framed but the evidence is yet to start or the evidence is still at infancy stage, the High Court can show benevolence in exercising its powers favourably, but after prima facie assessment of the circumstances/material mentioned above. On the other hand, where the prosecution evidence is almost complete or after the conclusion of the evidence the matter is at the stage of argument, normally the High Court should refrain from exercising its power under Section 482 of the Code, as in such cases the trial court would be in a position to decide the case finally on merits...*

12. ***It can thus be seen that this Court has clearly held that though the Court should be slow in quashing the proceedings wherein heinous and***

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> ***serious offences are involved, <u>the High Court is not foreclosed from examining as to whether there exists material for incorporation of such an offence</u> or as to whether there is sufficient evidence which if proved would lead to proving the charge for the offence charged with.*** *The Court has also to take into consideration as to whether the settlement between the parties is going to result into harmony between them which may improve their mutual relationship.*
>
> *13.* ***The Court has further held that it is also relevant to consider as to what is the stage of the proceedings.*** *It has been observed that if an application is made at a belated stage wherein the evidence has been led and the matter is at the stage of arguments or judgment, the Court should be slow to exercise the power to quash the proceedings.* ***However, if such an application is made at an <u>initial stage</u> before commencement of trial, the said factor will weigh with the court in exercising its power****…"*
>
> (emphasis supplied)

11. The abovesaid judgment has been followed by a coordinate bench of this Court in ***Sanjay Babu Rinku* v. *State (NCT) of Delhi,*** 2024 SCC OnLine Del 3504 and in ***Pawan Kumar* v. *State (NCT) of Delhi,*** [Order dated 15th December, 2023 in CRL.M.C. 8590/2023]. Reference may also be made to the decisions of coordinate benches of this Court in ***Amar Kumar* v. *State (Govt. of NCT of Delhi)***, 2023 SCC OnLine Del 8452, ***Prem Kumar* v. *State,*** 2024 SCC OnLine Del 628, ***Rihan* v. *State (Govt. of NCT Delhi)***, 2023 SCC OnLine Del 4436, ***Anshuman* v. *State***, 2023 SCC OnLine Del 2050, ***Yojan Sharma* v. *State***, 2023 SCC OnLine Del 5612, ***Mohit* v. *Govt. of NCT Delhi,*** 2024 SCC OnLine Del 1222, wherein while noting the facts of the respective cases, the FIRs registered under Section 376 IPC (as well as other sections mentioned therein) have been quashed.

12. The position emerging from the above discussion is that, ordinarily, serious and heinous offences should not be quashed under Section 482 Cr.P.C., given the impact such offences may have on society. However, the Court is not barred from exercising its inherent powers in such cases. There

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can be no absolute rule either permitting or prohibiting such quashing. The High Court may consider quashing the proceedings, even in cases where the FIR is registered under Section 376 IPC and other heinous offences, where the facts and circumstances so warrant, considering, *inter alia*, the evidence on record, the likelihood of conviction, the stage at which the parties have settled their dispute, and the effect of such settlement. While a case involving a serious offence such as rape should not ordinarily be quashed solely on the basis of a settlement or resumption of marriage, such relief may be granted where the particular facts and circumstances of the case justify it.

13. In terms of the status report, during the pendency of the proceedings, the parties have settled their disputes. The settlement agreement dated 11th May, 2026 is placed on record as Annexure A-1 to the above said status report. In terms of the settlement, it has been agreed that the petitioner no.2 and the respondent no.2 shall live together peacefully as husband and wife, along with their minor daughter, at their separate floor, i.e., at H-416, Second Floor, Gali No. 17, Sangam Vihar, New Delhi – 110062. Further, the parties have decided to end all the various civil and criminal cases filed by them against each other.

14. The status report further states that the chargesheet in the present FIR has been prepared, however, the same has not been filed.

15. The respondent no.2 is present in Court and has been identified by her counsel as well as by the Investigating Officer ('IO'). She informs the Court that she has decided to live with the petitioner no.2, and their minor daughter. Therefore, she supports the quashing of the present FIR.

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16. The petitioners are also present in Court and have been identified by their counsel. They affirm the statement of the respondent no.2 and undertake to abide by the terms of settlement arrived at between the parties.

17. The Court is conscious that cases relating to offences under Section 64 BNS (erstwhile Section 376 of the Indian Penal Code, 1860) should not normally be quashed on the ground of settlement. However, in the present case, the FIR was lodged in the backdrop of matrimonial disputes between the parties, which have subsequently been resolved. Further, the complainant, along with her minor child, has resumed her matrimonial life with her husband and his family members, who are the accused. Pertinently, the proceedings are still at a nascent stage, given that the fact that the chargesheet is yet to be filed. Hence, applying the principles laid down by the Supreme Court in the above cited judgments, and in view of the peculiar facts and circumstances of the present case, it would be in the interest of justice to quash the aforementioned FIR and the proceedings pursuant thereto.

18. Consequently, the FIR No.261/2025, registered earlier at Police Station Kanth, Moradabad, U.P. transferred to Police Station Sangam Vihar, New Delhi and the proceedings pursuant thereto are quashed.

19. The petition stands disposed of.

AMIT BANSAL, J

SEPTEMBER 29, 2026
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CORRECTED AND UPLOADED ON 05.10.2026

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