

Hemant Kumar vs State Nct of Delhi and Anr .

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Court : Delhi

Decided On : Mar-17-2026

Judge : Hon'Ble Mr. Justice Prateek Jalan

Appeal No. : CRL.M.C./1945/2026

Appellant : Hemant Kumar

Respondent : State Nct of Delhi and Anr .

Advocate for Pet/Ap. : Mr. Abhie Sumat Gupta, Mr. Ishan Parashar, Mr. Hitesh Vali, Mr. Karan, Mr. Arpit, Ms. Sonali Tomar

Judgement :

* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CRL.M.C. 1945/2026 & CRL.M.A. 7995/2026 HEMANT KUMAR
.....Petitioner Through: Mr. Abhie Sumat Gupta, Mr. Ishan Parashar,
Advocates.

versus

STATE NCT OF DELHI AND ANR.Respondents Through: Mr. Hitesh Vali, APP. SI Vinay Kumar, PS-Farsh Bazar. Mr. Karan, Mr. Arpit, Ms.

Sonali Tomar, Advocates for R-2, with R- 2 in person.

CORAM:

HONBLE MR. JUSTICE PRATEEK JALAN

ORDER

% 17.03.2026

1. The petitioner has filed this petition under Section 528 of the

Bharatiya Nagarik Suraksha Sanhita, 2023 [BNSS] (corresponding to Section 482 of the Code of Criminal Procedure, 1973 [Cr PC]) seeking quashing of FIR No. 336/2022 dated 23.06.2022, registered at Police Station Farsh Bazar, District Shahdara, Delhi, under Sections 498A/406/34 of the Indian Penal Code, 1860 [IPC], and all proceedings emanating therefrom, on the ground of settlement.

2. Issue notice. Mr. Hitesh Vali, learned Additional Public

Prosecutor, accepts notice on behalf of the State. Mr. Karan, learned counsel, accepts notice on behalf of respondent No. 2.

3. The petition is taken up for disposal with the consent of learned

counsel for the parties.

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4. The impugned FIR is registered at the instance of respondent No.

2, who was the wife of the petitioner. The mother of the petitioner was named in the FIR, but has not been chargesheeted.

5. The petitioner and respondent No. 2 were married on 21.01.2015 as

per Hindu rites and ceremonies. Due to matrimonial discord and temperamental differences between the parties, they have been living separately since November 2021. No child was born from the wedlock.

6. Respondent No. 2 lodged a formal complaint before the Crime

against Women Cell on 30.10.2021, alleging physical and mental torture inflicted upon her, and the same culminated into the impugned FIR registered on 23.06.2022, against two accused persons, being her husband, and her mother-in-law.

7. Upon completion of investigation, a chargesheet was subsequently

filed on 11.04.2023 only against the petitioner-husband. The matter [Cr. Case 3412/2023] is pending before the Judicial Magistrate First Class (Mahila Court), Shahdara, Karkardooma Courts, and is next listed on 23.07.2026 for Misc./Appearance.

8. During the pendency of proceedings, the parties have entered into a

settlement, under the aegis of Delhi Mediation Centre, Karkardooma Courts, recorded in a Mediated Settlement dated 19.05.2025. The settlement contemplates payment of Rs. 2,34,000/- by the petitioner to respondent No. 2 towards full and final settlement of all claims. It was agreed therein that respondent No. 2 will cooperate in quashing of the subject FIR.

9. Pursuant to the settlement, the marriage between the parties has

been dissolved by a decree of divorce by mutual consent by the Principal

Judge, Family Court, Shahdara, Karkardooma Courts, on 13.11.2025 in HMA No. 2053/2025.

10. In light of the aforesaid, the parties seek quashing of the impugned

FIR.

11. The petitioner is present in Court, and is identified by his learned

counsel, Mr. Abhie Sumat Gupta, as well as by the Investigating Officer [IO]. Respondent No. 2 is also present in person, and is identified by Mr. Karan and the IO.

12. Learned counsel for the parties confirm that the settlement has been

entered into voluntarily and without any coercion or undue pressure.

13. Although the offence under Section 498A of IPC is non-

compoundable, 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 PC), 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.

14. The Supreme Court, in *Gian Singh v. State of Punjab & Anr.*¹ has

held as follows:

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

(2012) 10 SCC 303.

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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.²

Further, in *Narinder Singh & Ors. v. State of Punjab & Anr.*³, the Supreme Court has also laid down guidelines for High Courts while accepting settlement deeds between parties and quashing the proceedings. The relevant observations in the said decision read as under: 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

Emphasis supplied.

(2014) 6 SCC 466.

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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.⁴

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

a matrimonial relationship, which has already culminated in a decree of divorce. Applying the tests laid down by the Supreme Court, it may be observed that the respondent No. 2 has also categorically affirmed the

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voluntary nature of the settlement before the Court. In these circumstances, the criminal proceedings are unlikely to result in conviction, and their continuation would be an empty formality, adding to the burden of the justice system and consuming public resources unnecessarily.

16. The settlement contemplates payment of a sum of Rs. 2,34,000/- to

respondent No. 2, out of which a sum of Rs. 1,00,000/- has already been received. The balance amount has been paid to respondent No. 2 today, who states that she has received the entire settlement amount. There is, therefore, no impediment to the grant of the relief sought.

17. Having regard to the above discussion, the petition is allowed, and

FIR No. 336/2022 dated 23.06.2022, registered at Police Station Farsh Bazar, under Sections 498A/406/34 of the Indian Penal Code, 1860 of the IPC, alongwith all consequential proceedings arising therefrom, is hereby quashed.

18. The parties will remain bound by the terms of the settlement.

19. The petition, alongwith pending application, accordingly stands

disposed of.

PRATEEK JALAN, J

MARCH 17, 2026

Bhupi/JM/

Emphasis supplied.

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