

Amit Kumar & Anr. vs State Through Sho & Anr.

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Court : Delhi

Decided On : Mar-30-2026

Judge : Hon'Ble Mr. Justice Prateek Jalan

Appeal No. : CRL.M.C./2378/2026

Appellant : Amit Kumar & Anr.

Respondent : State Through Sho & Anr.

Advocate for Pet/Ap. : Mr. Rajiv Bajaj, Mr. Hitesh Vali, Ms. Anju Gautam

Judgement :

* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CRL.M.C. 2378/2026 and CRL.M.A. 9659/2026 AMIT KUMAR & ANR.
.....Petitioner Through: Mr. Rajiv Bajaj, Advocate with Petitioners in person.

versus

STATE THROUGH SHO & ANR.Respondent Through: Mr. Hitesh Vali, APP for State with SI Raghubir Singh, PS Maya Puri Ms. Anju Gautam, Advocate for R- 2 with R-2 in person

CORAM:

HONBLE MR. JUSTICE PRATEEK JALAN

ORDER

% 30.03.2026

CRL.M.A. 9659/2026 (Exemption) Exemption allowed, subject to all just exceptions. The application stands disposed of.

CRL.M.C. 2378/2026

1. The petitioners have filed 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 [Cr PC]) seeking quashing of FIR No. 86/2023 dated 27.04.2023, registered at Police Station Mayapuri under Sections 498A/406/34 of the Indian Penal Code, 1860 [IPC], alongwith all proceedings emanating therefrom, on the ground of a settlement arrived at between the parties.

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

Prosecutor, accepts notice on behalf of the State. Ms. Anju Gautam, learned counsel, accepts notice on behalf of respondent No.2.

3. The petitioners are present in Court and have been identified by

their learned counsel as well as by the Investigating Officer. Respondent No. 2 is also present in person and has been duly identified the

Investigating Officer.

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

5. Petitioner No. 1 and respondent No. 2 were married on 14.07.2010.

However, owing to matrimonial discord and temperamental differences, the parties have been living separately since 27.05.2022. I am informed that no child has been born out of the wedlock.

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

Women Cell on 12.09.2022, which culminated in the registration of the impugned FIR dated 27.04.2023 against four accused persons, including her husband (petitioner No. 1 herein), father-in-law, and mother-in-law (petitioner No. 2 herein). I am informed that during the pendency of the proceedings, the father-in-law expired, and accordingly, the proceedings against him stand abated.

7. During the pendency of the proceedings, the parties have entered

into an oral settlement, whereby a total sum of Rs.6,00,000 has been agreed upon towards full and final settlement, out of which Rs.5,00,000 stands paid. The balance amount of Rs.1,00,000 is to be paid at the time of quashing of the FIR by way of a demand draft, and the same has been handed over to respondent No. 2 in Court today

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

entered into voluntarily and without any coercion or undue pressure.

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

been dissolved by a decree of divorce by mutual consent dated 07.11.2025, passed by the Family Court, Rohini Courts in HMA

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

FIR.

11. Even though the offence under Section 498A of the IPC is non-

compoundable, the Supreme Court has held that High Courts may, in suitable cases, exercise their powers under Section 528 of the BNSS (corresponding to Section 482 of the Cr PC) to quash criminal proceedings on the basis of a settlement between the accused and the complainant, including in respect of such offences, provided that no larger public interest is adversely impacted.

12. 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 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

(2012) 10 SCC 303.

CRL.M.C. 2378/2026 Page 3 of 6 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 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.

Emphasis supplied.

(2014) 6 SCC 466.

CRL.M.C. 2378/2026 Page 4 of 6 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

13. In the present case, the dispute between the parties arises out of a

matrimonial relationship, which has already culminated in a decree of divorce. Applying the principles laid down by the Supreme Court, it is noted that respondent No. 2 has categorically affirmed before this Court that the settlement has been entered into voluntarily. In these circumstances, the possibility of the criminal proceedings resulting in a conviction is remote, and their continuation would serve no useful

CRL.M.C. 2378/2026 Page 5 of 6 purpose, while unnecessarily burdening the judicial system and consuming public resources.

14. The settlement contemplates payment of a total sum of Rs.6,00,000

to respondent No. 2, who states that the entire settlement amount has been received by her. There is, therefore, no impediment to the grant of

the relief sought.

15. In view of the foregoing discussion, the present petition is allowed,

and FIR No. 86/2023 dated 27.04.2023, registered at Police Station Mayapuri under Sections 498A/406/34 of the IPC, alongwith all consequential proceedings arising therefrom, is hereby quashed.

16. The parties shall remain bound by the terms of the settlement.

17. The petition accordingly stands disposed of.

PRATEEK JALAN, J

MARCH 30, 2026

sv/SD/

Emphasis supplied.

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