

Deepak Kumar and Others vs the State Nct of Delhi Through Sho of P S Palam Village and Another

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Court : Delhi

Decided On : Apr-06-2026

Judge : Hon'Ble Mr. Justice Prateek Jalan

Appeal No. : W.P.(CRL)/1103/2026

Appellant : Deepak Kumar and Others

Respondent : The State Nct of Delhi Through Sho of P S Palam Village and Another

Advocate for Pet/Ap. : Mr. Mahender Kumar Kaushik, Mr. Amol Sinha, Mr. Kshitiz Garg, Ms. Ashvini Kumar, Mr. Anshul Sharma, Mr. Vinay Kumar Sharma, Mr. Aaditya

Judgement :

* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(CRL) 1103/2026

DEEPAK KUMAR AND OTHERSPetitioners Through: Mr. Mahender Kumar Kaushik, Advocate.

versus

THE STATE NCT OF DELHI THROUGH SHO OF

P.S. PALAM VILLAGE AND ANOTHERRespondents Through: Mr. Amol Sinha, ASC (Criminal) for State with Mr. Kshitiz Garg, Ms. Ashvini Kumar & Mr. Anshul Sharma, Advocates. SI Rajesh Chawla, PS Palam Village. Mr. Vinay Kumar Sharma & Mr. Aaditya, Advocates for R-2 alongwith R-2.

CORAM:

HONBLE MR. JUSTICE PRATEEK JALAN

ORDER

% 06.04.2026 CRL.M.A. 10381/2026(exemption) Exemption allowed, subject to all just exceptions. The application stands disposed of.

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1. The petitioners have 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. 293/2024 dated 05.05.2024, registered at Police Station Palam Village, District South West, Delhi, under Sections

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emanating therefrom, on the ground of settlement.

2. Issue notice. Mr. Amol Sinha, learned Additional Standing Counsel

(Criminal), accepts notice on behalf of the State. Mr. Vinay Kumar Sharma, 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.

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

2, who is the wife of petitioner No. 1. Petitioner Nos. 2-10 are family members of petitioner No. 1.

5. The petitioner and respondent No. 2 were married on 14.06.2022,

as per Hindu rites and ceremonies. Due to matrimonial discord and temperamental differences between the parties, they have been living separately since 21.01.2023. No child was born from the said wedlock.

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

Against Women Cell against the petitioners alleging physical and mental torture on demands of dowry, on the basis of which the subject FIR was registered on 05.05.2024. I am informed by learned counsel for the parties that no chargesheet has yet been filed.

7. During the pendency of the investigation, the parties have settled

their disputes and have entered into a settlement under the aegis of Mediation Centre, Saket Courts, Delhi, recorded in a Mediated Settlement dated 21.08.2025. The Settlement contemplates that the parties have reconciled their disputes and resumed cohabitation as husband and wife and are willing to withdraw/quash all pending litigation between them.

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

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FIR and all consequential proceedings therefrom.

9. The parties are present in Court, and are identified by their learned

counsel, as well as by the Investigating Officer.

10. The parties are present in person and submit that they have fully

reconciled their differences and are now residing together since August

2025. They further state that the terms of the Settlement have been duly

implemented in their entirety, and that no disputes or grievances subsist between them at present.

11. Learned counsel for the parties confirm that the Settlement has

been entered into voluntarily and without any coercion or undue pressure.

12. 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.

13. The Supreme Court, in *Gian Singh v. State of Punjab & Anr.* 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

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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.

Further, in *Narinder Singh & Ors. v. State of Punjab & Anr.*², 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.

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.³

14. In the present case, the dispute stems from a matrimonial

relationship that has since been amicably resolved. Petitioner No. 1 and respondent No. 2 have reconciled and are living together since August 2025, and in such circumstances, the continuation of the criminal proceedings would be prejudicial to their marital harmony. Applying the principles laid down by the Supreme Court, respondent No. 2 has

Emphasis supplied.

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unequivocally stated before this Court that the Settlement was entered into voluntarily, without any coercion or undue influence. In these circumstances, the continuation of the criminal proceedings is unlikely to lead to a conviction and would merely serve as a procedural formality, thereby imposing an unnecessary burden on the justice system and diverting valuable judicial resources without serving any meaningful purpose.

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

FIR No. 293/2024 dated 05.05.2024, registered at Police Station Palam Village, District South West, Delhi, under Sections 498/406/34 of the IPC, alongwith all consequential proceedings arising therefrom, is hereby quashed.

16. The parties will remain bound by the terms of the Settlement.

17. The petition accordingly stands disposed of.

PRATEEK JALAN, J

APRIL 6, 2026

pv/JM/

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