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Vivek Pathak and Ors. vs the State (Govt. of Nct Delhi) and Anr

Vivek Pathak and Ors. vs the State (Govt. of Nct Delhi) and Anr

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Court : Delhi

Decided On : Apr-21-2026

Judge : Hon'Ble Mr. Justice Prateek Jalan

Appeal No. : CRL.M.C./3000/2026

Appellant : Vivek Pathak and Ors.

Respondent : The State (Govt. of Nct Delhi) and Anr

Advocate for Def. : Mr. Hitesh Vali, Mr. Himanshu Vasitha

Advocate for Pet/Ap. : Mr. Amit Singh

Judgement :

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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CRL.M.C. 3000/2026 VIVEK PATHAK AND ORS. .....Petitioners Through: Mr. Amit Singh, Advocate with petitioners in person.

versus

THE STATE (GOVT. OF NCT DELHI) AND ANR .....Respondents Through: Mr. Hitesh Vali, APP. SI Rajiv and SI Aarif Alam. Mr. Himanshu

Vasitha, Adv for R2.

CORAM:

HONBLE MR. JUSTICE PRATEEK JALAN

ORDER

% 21.04.2026 CRL.M.A. 12213/2026 (for exemption) Exemption allowed, subject to all just exceptions. The application stands disposed of. CRL.M.C. 3000/2026

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. 550/2021, dated 01.10.2021, registered at P.S. Badarpur, New Delhi, under Sections 354/377/498A/406/34 of 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. Himanshu Vasitha, learned counsel, accepts notice on behalf of respondent No. 2.

3. The petitioners are present in Court, and are identified by their

learned counsel, as well as by the Investigating Officer [IO]. Respondent No. 2 is also present in Court, and is identified by her learned counsel and the IO.

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

5. The impugned FIR is registered at the instance of respondent No. 2, who is the wife of the petitioner No. 1. Petitioner Nos. 2 and 3 are the parents of petitioner No. 1, and petitioner Nos. 4 and 5 are the sister and brother-in-law of petitioner No. 1.

6. The petitioner No. 1 and respondent No. 2 were married on 19.11.2018. No child was born from the wedlock. Due to matrimonial discord and temperamental differences between the parties, they have been living separately since 09.02.2021.

7. Respondent No. 2 lodged a formal complaint on the basis of which the impugned FIR was registered against the petitioners.

8. The chargesheet has not been filed.

9. During the pendency of the proceedings, the parties have settled all their disputes by way of a Memorandum of Understanding dated 10.01.2026.

10. Learned counsel for the parties confirm that the settlement has been entered into voluntarily and without any coercion or undue pressure. Respondent No. 2 has also filed her no-objection affidavit before this

Court, and submits that the allegations, including those against petitioner Nos. 1 and 5 for offences punishable under Sections 377 and 354 of the IPC, arose out of a misunderstanding stemming from matrimonial strife, and that she does not wish to pursue the same.

11. Pursuant to the settlement, the marriage has been dissolved by a

decree of divorce by mutual consent vide order dated 18.11.2024, passed by the Family Courts.

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

FIR.

13. 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 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.

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.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.

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. Respondent No. 2 has stated that the allegations under Sections 377 and 354 of the IPC were a result of the breakdown of the matrimonial relationship, and that she does not wish to prosecute these allegations further. Applying the tests laid down by the Supreme Court, it may be observed that the respondent No. 2 has also categorically

affirmed the

voluntary nature of the settlement before the Court. In these circumstances, the criminal proceedings are unlikely to result in conviction, and its 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. 22,25,000/-

to respondent No. 2, out of which Rs. 7,90,000/- has already been received by her. A further amount of Rs. 7,00,000/- has been handed over to respondent No. 2 in Court today in terms of the settlement. Learned counsel for the parties state that the balance amount of Rs. 7,35,000/- will be paid at the time of withdrawal of a case arising out of the complaint under Protection of Women from Domestic Violence Act, 2005, in terms of the settlement. There is therefore no impediment in granting the relief sought.

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

FIR No. 550/2021 dated 01.10.2021, registered at P.S. Badarpur, New Delhi, under Sections 498A/377/406/354/34 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 accordingly stands disposed of.

PRATEEK JALAN, J APRIL 21, 2026 SS/AD/

Emphasis supplied.

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