

Devinder Kumar & Ors. vs the State of Nct of Delhi & Anr.

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Court : Delhi

Decided On : Apr-29-2026

Judge : Hon'Ble Mr. Justice Prateek Jalan

Appeal No. : CRL.M.C./3294/2026

Appellant : Devinder Kumar & Ors.

Respondent : The State of Nct of Delhi & Anr.

Advocate for Def. : Mr. Hitesh Vali

Advocate for Pet/Ap. : Ms. Pallavi Garg, Ms. Sanjana Sharma Sahu

Judgement :

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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CRL.M.C. 3294/2026 & CRL.M.A. 13382/2026 DEVINDER KUMAR & ORS.Petitioner Through: Ms. Pallavi Garg, DHCLSC with Ms. Sanjana Sharma Sahu, Advocates.

versus

THE STATE OF NCT OF DELHI & ANR.Respondent Through: Mr. Hitesh Vali, APP with SI Shanti Jain. R2 in person.

CORAM:

HONBLE MR. JUSTICE PRATEEK JALAN

ORDER

% 29.04.2026

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. 345/2019 dated 26.08.2019, registered at Police Station Dayal Pur, District North-East, Delhi, under Sections 498A/406/34 of the Indian Penal Code, 1860 [IPC], alongwith all consequential proceedings emanating therefrom, on the ground of settlement.

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

Prosecutor, accepts notice on behalf of State. Respondent No. 2, appears in person, and accepts notice. She declines the assistance of counsel, including Legal Aid counsel.

3. The marriage between petitioner No. 1 and respondent No. 2 was CRL.M.C. 3294/2026 Page 1 of 6 solemnized on 06.12.2001. One child was born from the wedlock in

2003. However, due to matrimonial discord and temperamental differences, the parties have been living separately since 2017.

4. Subsequently, respondent No. 2 lodged a formal complaint before

the Crime against Women Cell, which culminated in the impugned FIR against five accused persons, namely her husband, parents-in-law, brother-in-law, and sister-in-law. The allegations therein include demands of dowry, and mental and physical cruelty.

5. Upon completion of the investigation, a chargesheet was filed under Sections 498A/406/34 of the IPC, and Section 4 of the Dowry Prohibition Act, 1961 [the DP Act].

6. I am informed that, during the pendency of the proceedings, the father-in-law and mother-in-law of respondent No. 2 passed away on 06.11.2019 and 17.12.2019, respectively.

7. Petitioner No. 1 and respondent No. 2 have since amicably resolved their disputes, under the aegis of the Counselling Cell, Family Court, Karkardooma Courts, Delhi, as recorded in a Settlement Deed dated 17.03.2025.

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

9. The petitioners are present in Court, and have been duly identified by their learned counsel as well as by the Investigating Officer. Respondent No. 2 is present in person, and has been identified by the Investigating Officer.

10. Pursuant to the settlement, the marriage between petitioner No. 1 and respondent No. 2 has been dissolved by a decree of divorce by CRL.M.C. 3294/2026 Page 2 of 6 mutual consent, passed by the Family Court on 18.10.2025.

11. The settlement records that a property bearing House No. 107, H-1

Block, Jai Vihar, Najafgarh, New Delhi - 110043, which is in the possession of respondent No. 2, shall be transferred by petitioner No. 1 in favour of respondent No. 2 and their son, and that the parties shall withdraw all pending proceedings. Respondent No. 2 submits that the property has been duly transferred in terms of the settlement.

12. The parties also confirm that the settlement has been entered into voluntarily and without any coercion or undue pressure.

13. Although the offences under Section 498A of the IPC, and Section 4 of the DP Act are non-compoundable, the Supreme Court has clearly

held that, in certain circumstances, the High Courts, in exercise of their

powers under Section 482 of Cr PC [corresponding to Section 528 of BNSS], 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. In *Gian Singh v. State of Punjab and Anr.* [(2012) 10 SCC 303],

the Supreme Court 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

CRL.M.C. 3294/2026 Page 3 of 6

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. [Emphasis supplied.]

Further, in *Narinder Singh and Ors. v. State of Punjab and Anr.* [(2014) 6 SCC 466], 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. 29.2. When the parties have reached the settlement and on that basis

CRL.M.C. 3294/2026 Page 4 of 6 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. [Emphasis supplied.]

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 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 terms of the settlement have also been implemented. There is, therefore, no impediment to the grant of the relief sought. CRL.M.C. 3294/2026 Page 5 of 6

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

FIR No. 345/2019 dated 26.08.2019, registered at Police Station Dayal Pur, District North-East, Delhi, under Sections 498A/406/34 of the IPC, alongwith all consequential proceedings arising therefrom, is hereby quashed.

18. The petition, alongwith pending application, stands disposed of. PRATEEK JALAN, J APRIL 29, 2026 tg/KA/ CRL.M.C. 3294/2026 Page 6 of 6

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