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Deepak Kumar and Ors. vs State of Nct of Delhi and Anr.

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Court : Delhi

Decided On : May-05-2026

Judge : Hon'Ble Mr. Justice Prateek Jalan

Appeal No. : CRL.M.C./6058/2025

Appellant : Deepak Kumar and Ors.

Respondent : State of Nct of Delhi and Anr.

Advocate for Def. : Ms. Manjeet Arya, Mr. Abhimanyu Arya

Advocate for Pet/Ap. : Mr. Tushar Sannu, Mr. Parvin Bansal, Mr. Fajallu Rehman

Judgement :

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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CRL.M.C. 6058/2025 DEEPAK KUMAR AND ORS. .....Petitioners Through: Mr. Tushar Sannu, Mr. Parvin Bansal, Mr. Fajallu Rehman, Advocate.

versus

STATE OF NCT OF DELHI AND ANR. .....Respondents Through: Ms. Manjeet Arya, APP with Mr. Abhimanyu Arya, Advocate. Respondent No. 2 on VC.

CORAM:

HONBLE MR. JUSTICE PRATEEK JALAN

ORDER

% 05.05.2026 CRL.M.A. 14011/2026 (for early hearing) This is an application for early hearing of the captioned petition, which is next scheduled to be listed on 04.08.2026. For the reasons stated therein, the application is allowed, and the petition is taken on Board. The application stands disposed of. CRL.M.C. 6058/2025

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. 499/2022 dated 18.06.2022, registered at Police CRL.M.C. 6058/2025 Page 1 of 6 Station Ranhola, Outer District, Delhi, under Sections 498A/406/34 of the Indian Penal Code, 1860 [IPC], and all proceedings emanating therefrom, on the ground of settlement.

2. Petitioner No. 1 and respondent No. 2 were married on 09.12.2020.

However, due to matrimonial discord and temperamental differences between the parties, they have been living separately since 13.02.2021. No child was born from the wedlock.

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

the Crime against Women Cell, which culminated in the impugned FIR against six accused persons being her husband, parents-in-law, brothers- in-law, and sister-in-law [petitioners herein].

4. During the pendency of the proceedings, petitioner No. 1 and

respondent No. 2 have settled all their disputes under the aegis of the Delhi Mediation Centre, Rohini District Courts, Delhi, as recorded in a Settlement/Agreement dated 10.04.2023.

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

6. The petitioners are present in Court through video conference, and

have been identified by their learned counsel, as well as by the Investigating Officer. Respondent No. 2 is also present through video conference, and has been identified by the Investigating Officer. She declines the assistance of counsel, including Legal Aid counsel.

7. Pursuant to the settlement, the marriage between petitioner No. 1

and respondent No. 2 has been dissolved by a decree of divorce by mutual consent vide order dated 04.07.2024, passed by the Family Courts, North District, Rohini Courts, Delhi. CRL.M.C. 6058/2025 Page 2 of 6

8. The settlement contemplates payment of a sum of Rs. 5,00,000/-

and handing over of various articles enumerated therein by petitioner No.1 to respondent No. 2 towards full and final settlement of all disputes. Respondent No. 2 states that she has received the said amount, and that the articles have also been handed over to her. The settlement has, therefore, been implemented.

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

10. Although the offence under Section 498A of the IPC is 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.

11. 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

(2012) 10 SCC 303.

 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 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

Emphasis supplied.

(2014) 6 SCC 466.

 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

12. 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

Emphasis supplied. CRL.M.C. 6058/2025 Page 5 of 6 unnecessarily.

13. The settlement amount of Rs. 5,00,000/-, as well as the articles

mentioned in the Settlement/Agreement dated 10.04.2023 have also been received by respondent No. 2. There is, therefore, no impediment to grant of the relief sought.

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

FIR No. 499/2022 dated 18.06.2022, registered at Police Station Ranhola, Outer District, Delhi, under Sections 498A/406/34 of the IPC, alongwith all consequential proceedings arising therefrom, is hereby quashed.

15. The petition accordingly stands disposed of.

16. The next date of hearing, i.e. 04.08.2026, is cancelled. PRATEEK JALAN, J MAY 5, 2026 SS/KA/ CRL.M.C. 6058/2025 Page 6 of 6

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