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Manoj Kumar and Ors vs State (Nct of Delhi) and Anr

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Court : Delhi

Decided On : Mar-28-2026

Judge : Hon'Ble Mr. Justice Prateek Jalan

Appeal No. : CRL.M.C./9170/2025

Appellant : Manoj Kumar and Ors

Respondent : State (Nct of Delhi) and Anr

Advocate for Def. : Mr. Aashneet Singh, Mr. Dalip Kumar

Advocate for Pet/Ap. : Mr. Rishab Kapoor, Mr. Jitender Kohli, Ms. Prachi Gulati

Judgement :

* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CRL.M.C. 9170/2025 and CRL.M.A. 38309/2025 MANOJ KUMAR AND ORS .....Petitioners Through: Mr. Rishab Kapoor, Mr. Jitender Kohli and Ms. Prachi Gulati, Advocates

versus

STATE (NCT OF DELHI) AND ANR .....Respondents Through: Mr. Aashneet Singh, APP for State with IO. Mr. Dalip Kumar Advocate for R-

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CORAM:

HONBLE MR. JUSTICE PRATEEK JALAN

ORDER

% 28.03.2026 This petition was scheduled to be listed on 02.03.2026, but has been listed today, as 02.03.2026 was declared a holiday vide Notification No. 64/G-4/Genl.-I/DHC dated 27.02.2026.

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. 529/2021 dated 14.09.2021, registered at Police Station Shahbad Dairy under Sections 498A/406/34 of the Indian Penal Code, 1860 [IPC], alongwith all proceedings emanating therefrom, on the ground that the parties have amicably resolved their disputes through a settlement.

2. Issue notice. Mr. Aashneet Singh, learned Additional Public Prosecutor, accepts notice on behalf of the State. Mr. Dalip Kumar, learned counsel, accepts notice on behalf of respondent No. 2.

3. The petitioners are present, and are identified by their learned

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

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

5. The impugned FIR was registered at the instance of respondent No.

2, who was the wife of petitioner No. 1. Petitioner Nos. 2 and 3 are the parents of petitioner No. 1. Petitioner Nos. 4 and 6 are the sisters of petitioner No. 1, and petitioner No. 5 is the brother of petitioner No. 1.

6. The marriage between petitioner No. 1 and respondent No. 2 was

solemnized on 30.01.2020. Owing to matrimonial discord and temperamental differences, the parties have been living separately since 06.09.2020. No child was born out of the wedlock.

7. Respondent No. 2 lodged a formal complaint before the Crime Against Women Cell, which culminated in the registration of the impugned FIR against her husband, parents-in-law, two sisters-in-law, and brother-in-law.

8. A chargesheet has been filed. I am informed that although the said

chargesheet mentions an accused, being one Sunil, in addition to the six petitioners herein, Mr. Singh states that the said name has been entered in error, and the prosecution has already moved an application before the Sessions Court in this regard. CRL.M.C. 9170/2025 Page 2 of 6

9. During the pendency of the proceedings, the parties amicably resolved their disputes by way of a settlement agreement dated 23.07.2025, under the aegis of the Delhi Mediation Centre, Rohini District Courts.

10. Learned counsel for the parties confirm that the settlement has been entered into voluntarily and without any coercion or undue pressure.

11. Pursuant to the settlement, the marriage between the parties stands dissolved by a decree of divorce by mutual consent passed by the Family Court on 04.10.2025 in HMA No. 1579/2025.

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

13. The Supreme Court has consistently held that, in appropriate cases

involving non-compoundable offences, the High Courts may exercise their inherent 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 arrived at between the parties, particularly where the dispute is essentially private in nature and such quashing would not adversely affect any overarching public interest.

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 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

Emphasis supplied.

(2014) 6 SCC 466. CRL.M.C. 9170/2025 Page 4 of 6 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 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 dispute stems from a matrimonial

> relationship, which now stands dissolved by a decree of divorce by mutual consent. In light of the principles laid down by the Supreme Court, it is apparent that respondent No. 2 has unequivocally stated before this Court that the settlement was arrived at voluntarily and without any coercion or undue influence. In these circumstances, the likelihood of conviction is remote, and the continuation of the criminal

Emphasis supplied. CRL.M.C. 9170/2025 Page 5 of 6 proceedings would serve no useful purpose, being merely an empty formality and an unnecessary burden on the judicial system.

16. The settlement contemplates a payment of Rs. 14,00,000/- to

respondent No. 2, who has confirmed that Rs. 13,00,000/- has already been received by her. The balance amount of Rs. 1,00,000/- has been handed over to respondent No. 2 today in Court. There is thus no impediment to the grant of the relief sought.

17. In view of the foregoing, the petition is allowed, and FIR No. under Sections 498A/406/34 of IPC, alongwith all consequential proceedings arising therefrom, is hereby quashed.

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

19. The petition accordingly stands disposed of. PRATEEK JALAN, J MARCH 28, 2026 sv/AD/ CRL.M.C. 9170/2025 Page 6 of 6

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