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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\# **CNR No. DLHC010493822026**

\+ CRL.M.C. 7712/2026 & CRL.M.A. 32134/2026

AVNEET SINGH KOHLI .....Petitioner

Through: Mr. Arpit Bhalla and Mr. Tushar, Advocates with Petitioner present.

versus

THE STATE OF DELHI & ANR. .....Respondents

Through: Ms. Kiran Bairwa, APP for State.
SI Inderjeet Singh and ASI Rakesh Kumar.
Mr. Gaurav Mahajan, Advocate for R-2 with R-2 present (in-Person).

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

O R D E R

% 12.10.2026

1. This petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023[1] (corresponding to Section 482 of the Code of Criminal Procedure, 1973[2]) seeks quashing of FIR No. 373/2022 dated 4th May, 2022,[3] registered under Sections 354A/354D/506 of the Indian Penal Code, 1860 at P.S. Rajouri Garden, and all consequential proceedings emanating therefrom.

2. The case of the prosecution is that the Petitioner, who is the husband of Respondent No. 2/Complainant, had been persistently following her and had also engaged private detectives to monitor her movements, thereby

[1] "BNSS"
[2] "CrPC"
[3] "impugned FIR"

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intruding upon her privacy. Respondent No. 2 further alleged that she had received threats to her life and feared for her safety as well as that of their minor daughter. On the basis of these allegations, the impugned FIR came to be registered. Upon completion of investigation, a charge-sheet was filed and charges were framed against the Petitioner.

3. During the pendency of the proceedings, the parties have amicably resolved their matrimonial disputes and executed a Memorandum of Understanding dated 20th August, 2026, encompassing the impugned FIR as well as the other civil and criminal proceedings instituted by them against each other. The settlement records that it has been arrived at voluntarily, without any force, pressure, coercion or undue influence. Under its terms, the parties have agreed to dissolve their marriage by mutual consent, with the Petitioner undertaking to pay Respondent No. 2 a sum of INR 10,00,000/- towards full and final settlement of her claims for maintenance, permanent alimony and other matrimonial claims. The amount is payable in three instalments of INR 4,00,000/-, INR 4,00,000/- and INR 2,00,000/-, linked respectively to the first motion, second motion and quashing of FIR No. 578/2021 registered at P.S. Rajouri Garden under Sections 498A/406/34 IPC. The parties have further agreed to seek quashing of the impugned FIR following the first motion and to withdraw or bring to a close the remaining proceedings in accordance with the terms of the settlement.

4. Pursuant to the settlement, the parties have recorded their statements in the first motion proceedings under Section 13B(1) of the Hindu Marriage Act, 1955 before the Principal Judge, Family Court, West Delhi, Tis Hazari Courts, on 7th September, 2026.

5. Respondent No. 2 is present in Court and has been duly identified by

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the Investigating Officer. She confirms that the disputes between the parties have been amicably resolved pursuant to the Memorandum of Understanding dated 20th August, 2026, and that the settlement has been arrived at voluntarily, without any force, pressure or coercion. She further states that she does not wish to pursue the criminal proceedings against the Petitioner and has no objection to the quashing of the impugned FIR and all proceedings emanating therefrom. An affidavit to this effect has also been placed on record.

6. The Court has considered the submissions of the parties. While the offences under Sections 354/354A/354D IPC are non-compoundable, the offence under Section 506 IPC is compoundable in certain cases.

7. It is well settled that in the exercise of its inherent powers under Section 482 CrPC (now Section 528 BNSS), the Court may, in appropriate cases, quash proceedings in respect of non-compoundable offences if the parties have reached a genuine settlement and no overarching public interest is adversely affected. In ***Narinder Singh & Ors. v. State of Punjab & Anr.***,[4] the Supreme Court held as follows:

> "*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***

[4] (2014) 6 SCC 466

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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."

[Emphasis Supplied]

8. Although the offences alleged against the Petitioner are not strictly *in personam* and involve concerns extending beyond individual grievances, the Court must also account for the practical realities of securing a conviction. The present proceedings arise in the context of a matrimonial dispute between the parties, which has since been amicably resolved. Respondent No. 2, being the complainant and the principal witness, has categorically expressed her unwillingness to pursue the prosecution pursuant to a voluntary settlement. In these circumstances, the possibility of securing a conviction appears remote, and continuation of the proceedings would serve

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little worthwhile purpose.

9. Having regard to the peculiar facts and circumstances of the case, the nature of the settlement and the categorical stand taken by Respondent No. 2, the Court is of the view that the present case is fit for exercise of its jurisdiction under Section 528 of the BNSS to secure the ends of justice.

10. In view of the foregoing, the present petition is allowed and the impugned FIR No. 373/2022 and all consequential proceedings emanating therefrom, are hereby quashed.

11. The parties shall abide by the terms of settlement.

12. The petition is disposed of in the above terms.

SANJEEV NARULA, J

OCTOBER 12, 2026
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