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

+ CRL.M.C. 2889/2024

ANKITA GUPTA

.....Petitioner

Through: Mr. Rajesh Kumar Singh, Mr. Amit Bidhuri, Mr. Saksham Verma, Mr. Yogesh Sharma and Mr Sagar Roi, Advocates

versus

STATE (GOVT. OF NCT OF DELHI) & ANR.Respondents

Through: Mr. Satish Kumar, APP for the State. with SI Kirti and SI Chanchal, P. S. Amar Colony
Mr. Pramod Kumar Dubey, Sr. Advocate along with Mr. Asutosh Lohia, Ms. Shraddha Bhargava, Mr. Rohit Saraswat, Mr. Sharan Mehta, Ms. Rishika Jain, Ms. Princy Sharma, Ms. Mansi Taneja, Mr. Ashish Kumar Gupta and Mr. Karan Sharma, Advocates along with R-2 in person.

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

28.11.2024

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1. The instant petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter "BNSS") (earlier Section 482 of the Code of Criminal Procedure, 1973(hereinafter "Cr.P.C.") read with Article 226 of the Constitution of India) has been filed by the petitioner praying for quashing of FIR bearing No. 160/2023 registered at Police Station Amar Colony, for offences punishable under Sections 384/506/34 of the Indian



Penal Code, 1860 (hereinafter “IPC”).

2. The parties entered into settlement vide Memorandum of Understanding dated 6th March, 2024 (hereinafter “MOU”). The terms and conditions of the said settlement are mentioned in the MOU which is annexed as Annexure P-2 to the petition.

3. The petitioner is present before this Court through video conferencing and has been identified by his counsel, Mr. Amit Bidhuri, Advocate and Investigating Officer SI Kirti, Police Station Amar Colony. The respondent no. 2 is also present in the Court and has been identified by his counsel, Mr. Pramod Kumar Dubey, Advocate and the Investigating Officer.

4. On the query made by this Court, respondent no.2 has categorically stated that he has entered into compromise on his own free will and without any pressure. It is also stated by respondent no.2 that the entire dispute has been amicably settled between the parties. The parties also undertook that they shall abide the terms and conditions of the MOU arrived at between the parties.

5. It is prayed by the learned counsel for the petitioner that the instant FIR be quashed on the basis of compromise between the parties by way of an MOU. Learned APP for the State submitted that there is no opposition to the prayer made on behalf of the petitioner seeking quashing of the FIR in question in view of the settlement arrived at between the parties.

6. Heard learned counsel for the parties and perused the record.

7. The instant criminal proceedings in respect of non-compoundable offences are private in nature and do not have a serious impact on the society especially when there is a settlement/compromise between victim and accused. In such cases, it is settled law that High Court is also required



to consider the conduct and antecedents of the accused in order to ascertain that the settlement has been entered into by his own free will and has not been imposed upon him by the petitioner or any person related to her. In the present case, the complainant is present in Court and has categorically stated that he has entered into compromise and settled the entire disputes amicably with the petitioners by his own free will without any pressure or coercion.

8. In the case of ***State of Madhya Pradesh vs. Laxmi Narayan and Ors., (2019) 5 SCC 688***, the Hon'ble Supreme Court held that the powers conferred under Section 482 of the Cr.P.C, can be exercised by the Courts to quash the criminal proceedings featuring non-compoundable offences, when the matter arises out of matrimonial or family disputes. Moreover, it is pertinent to satisfy the Court that the said non-compoundable offences are private in nature and does not have a serious impact on the society.

9. Furthermore, it was observed by the Hon'ble Supreme Court in the case of ***Ramgopal and Ors. Vs. The State of Madhya Pradesh, 2021 INSC 568***, that the extraordinary power enjoined upon the High Courts under Section 482 of Cr.P.C. can be invoked even when such a case falls within the ambit of non-compoundable offences given that the Court must be satisfied that the nature of the offence does not impact the conscious of the society and that the compromise between the parties is voluntary and amicable.

10. In the instant case, as stated above, the parties have reached on the compromise and amicably settled the entire disputes without any pressure. In view of the settlement arrived at between the parties, the present petition is allowed. Accordingly, FIR bearing No. 160/2023 registered at Police Station Amar Colony, for offences punishable under Sections 384/506/34 of



the IPC and all consequential proceedings emanating therefrom are quashed.

11. The petition alongwith pending applications, if any, stand disposed of.

CHANDRA DHARI SINGH, J

NOVEMBER 28, 2024
gs/st

[Click here to check corrigendum, if any](#)