



\$~23

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

+ **CRL.M.C. 8210/2023**

**MANISH @ KALU**

.....Petitioner

Through: Mr. Rahul Thakur, Advocate  
(Through VC)

versus

**THE STATE (N.C.T. OF DELHI) & ANR.**

.....Respondents

Through: Mr. Satish Kumar, APP for the State  
with SI Soni Lal, PS Nabi Karim,  
Delhi

**CORAM:**

**HON'BLE MR. JUSTICE CHANDRA DHARI SINGH**

**ORDER**  
**05.12.2024**

%

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.") has been filed on behalf of the petitioners praying for quashing of FIR bearing No. 315/2021 registered at Police Station - Nabi Karim, Delhi for offences punishable under Sections 376/313/323/506 of the Indian Penal Code, 1860 (hereinafter "IPC").

2. The brief facts of the case are that the petitioner and the respondent no. 2/prosecutrix were in a relationship, however, the prosecutrix was forced into having sexual relations with the petitioner on the promise of marriage. Since the petitioner refused to marry her, the prosecutrix registered the



instant FIR against the petitioner.

3. Learned counsel for the petitioner prayed that the instant FIR be quashed as both the parties living together happily and as per the judgment of the Hon'ble Supreme Court passed in ***Gian Singh vs. State of Punjab, (2012) 10 SCC 303*** and ***Parbathbhai Aahir @ Parbathbai vs. State of Gujarat, (2017) 9 SCC 641***.

4. Learned APP for the State verified the facts regarding the marriage of the prosecutrix with the petitioner and claimed the contents made in the petition regarding the said marriage to be true. He submitted that there is no opposition to the prayer made on behalf of the petitioner seeking quashing of the FIR in question as the petitioner and the respondent no. 2 are living together happily.

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

6. The petitioner is present before this Court and has been identified by his counsel, Mr. Rahul Thakur, Advocate and Investigating Officer SI Soni Lal, Police Station Nabi Karim. The respondent no. 2 is also present in the Court and has the Investigating Officer.

7. On the query made by this Court, respondent no.2 has categorically stated that both the petitioner and prosecutrix are married and living peacefully together. It is submitted that from the said wedlock, one girl child is born.

8. It is pertinent to mention that 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. 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 her own free will and has not been imposed upon her by the petitioner or any person related to him. In the present case, the complainant is present in Court and has categorically stated that she has entered into compromise and settled the entire disputes amicably with the petitioners by her own free will without any pressure or coercion. There is also no allegation from respondent no.2 that the conduct and antecedents of petitioners have been bad towards her after the compromise.

11. In view of the above submissions made on behalf of the petitioner and the law laid down by the Hon'ble Supreme Court, the present petition is



allowed. Accordingly, of FIR bearing No. 315/2021 registered at Police Station Nabi Karim for offences punishable under Sections 376/313/323/506 of the IPC and all consequential proceedings emanating therefrom are quashed.

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

**CHANDRA DHARI SINGH, J**

**DECEMBER 5, 2024**  
**gs/mk**

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