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

+ **CRL.M.C. 6295/2024**

MOHD RABIULLAH KHAN

.....Petitioner

Through: Mr. Rajesh Kumar D/1476/2006 and
Mr. Mordhwaj Tiwari D/294/2024,
Advocates along with petitioner in
person.

versus

THE STATE OF NCT OF DELHI AND ANR.

.....Respondents

Through: Ms. Richa Dhawan, APP for the
State along with SI Rohit Tash, P.S.
Burari.

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

22.10.2024

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1. The instant petition under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter as the "Cr.P.C") (now under Section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023) has been filed by the petitioner praying for quashing of FIR bearing No. 0050/2022 dated 14th January, 2022 registered at Police Station - Burari, for offences punishable under Sections 288 and 304A of the Indian Penal Code, 1860 (hereinafter "IPC").

2. The petitioner is present before this Court and has been identified by his counsel Mr. Rajesh Kumar, Advocate (Enrl. No. D/1476/2006) and Investigating Officer Rohit Tash, Police Station - Burari. The respondent No.2/complainant is also present in the Court and has been identified by the Investigating Officer.



3. On the query made by this Court, respondent no.2/complainant has categorically stated that she has entered into compromise on her 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.

4. The brief facts of the case are that the petitioner is the father of respondent no. 2. The marriage between the respondent no. 2 and one Late Mohd. Parvej Khan was solemnised in the year 2016 as per the Muslim customs, ceremonies and rites. Two children were born out of their wedlock. The husband of respondent no. 2 i.e., Late Mohd. Parvej Khan works for the petitioner as a contractor and on 14th January, 2001, while he was working, Late Mohd. Parvej Khan fell down from the third floor of a newly constructed building and died on the spot. Accordingly, the aforesaid FIR was lodged against the petitioner.

5. With the intervention of family members and relatives, both the parties entered into a settlement and an affidavit regarding the same was given by the respondent no. 2, stating that she has settled the matter with the petitioner and all her claims have been satisfied, and hence, stated that she has no objection for the quashing of the aforesaid FIR. The terms and conditions of the said settlement are mentioned in the No objection affidavit of the respondent no. 2 which is annexed as page no. 17 to the petition.

6. It is prayed by the learned counsel appearing on behalf of the parties that the instant FIR may be quashed on the basis of the compromise as per the Judgment of the Hon'ble Supreme Court passed in ***Gian Singh vs. State of Punjab*, (2012) 10 SCC 303**. At this juncture, the petitioner appearing in-person also undertakes to not repeat the same conduct in the future.

7. Ms. Richa Dhawan, learned APP for the State submitted that there is



no opposition to the prayer made by the petitioners seeking quashing of the FIR in question in view of the settlement arrived at between the parties.

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

9. The instant criminal proceedings involve offences which are non-compoundable in nature. However, 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.

10. 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.

11. In the instant case, as stated above, the parties have reached on the compromise and amicably settled the entire disputes without any pressure. Keeping in view the fact that parties have settled the matter, undertaking given by the petitioner as well as the law laid down by the Hon'ble Supreme Court, no useful purpose would be served by keeping the matter pending. Hence, FIR bearing No. 0050/2022 dated 14th January, 2022 registered at Police Station - Burari, for offences punishable under Sections 288 and 304A of the IPC and consequent proceedings emanating therefrom are quashed.



12. The petition alongwith pending application(s), if any, stands disposed of.

CHANDRA DHARI SINGH, J

OCTOBER 22, 2024
rk/mk

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