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

+ CRL.M.C. 7130/2024

SALMAN

.....Petitioner

Through: Mr. Pammil Kumar, Advocate.
versus

THE STATE GOVT OF NCT OF DELHI

AND ANR.

.....Respondent

Through: Mr. Yudhvir Singh Chauhan, APP
along with SI mayank Istwal.
Mr. Kamal Singh. Advocate for R-2.

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

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16.10.2024

1. The instant petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter “BNSS”) has been filed by the petitioner praying for quashing of FIR bearing No. 415/2019 registered at Police Station Kalyanpuri, Delhi for the offences punishable under Sections 451/354/354(B)/506/509 of the Indian Penal Code, 1860 (hereinafter “IPC”).
2. The petitioner is present before this Court and has been identified by his counsel Mr. Pammil Kumar (Enrl. No. D/737/2003) and Investigating Officer, Police Station Kalyanpuri, and the respondent No.2/complainant is also present in the Court and has been identified by her counsel Mr. Kamal Singh (Enrl. No. D-1525/2004) and 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 and respondent no. 2 are petitioners residing in the same household. On 10th September, 2015, a PCR call was received at Police Station Sagarpur, Delhi, which was assigned to the Head Constable Shyamlal (156/SW) for taking appropriate action. When he reached the spot i.e., RZ-129, Gali No. 2, Kailash Puri Extension, New Delhi, the injured, who were involved in the quarrel, were sent to the hospital and the complainant handed over a written complaint to the police regarding the molestation faced at the hands of the petitioner. Subsequently, the aforesaid FIR got registered against the petitioner on 11th September, 2015.

5. With the intervention of their respective family members and relatives, both the parties entered into settlement on 4th September, 2024. The terms and conditions of the said settlement are mentioned in the settlement deed which is annexed as Annexure P-6 to the instant 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 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 not to repeat the same conduct in the future.

7. *Per contra*, Mr. Yudhvir Singh Chauhan, learned APP for the State submitted that in case this Court is inclined to allow the instant petition and to quash the FIR in question in view of the settlement arrived at between the parties, requisite cost may be imposed upon the petitioner as the FIR was registered in the year 2019 and a period of more than 5 years of judicial time is wasted.

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



9. 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.

10. In the instant case, as stated above, the parties have reached at a compromise and amicably settled the entire disputes without any pressure. In view of the settlement arrived at between the parties and the law laid down by the Hon'ble Supreme Court, the present petition is allowed and the FIR bearing No. 0032/2021 registered at Police Station Mansarovar Park, Delhi, for offences punishable under Sections 498-A/323/354/506/509/34 of the IPC and Section 4 of Dowry Prohibition Act, 1961 and all consequential proceedings emanating therefrom are quashed, subject to the deposit of the cost of Rs. 20,000/- (Rupees Twenty Thousand Only) in the account of DHCBA Women Advocates Welfare Fund i.e., saving account no. 15530110172858 (IFSC- UCBA0001553), Bank Name- UCO Bank, Branch- Delhi High Court within two weeks.

11. The receipt to the payment of the aforesaid cost shall be furnished before the Registry of this Court within two weeks.

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

CHANDRA DHARI SINGH, J

OCTOBER 16, 2024/Rk/mk [Click here to check corrigendum, if any](#)