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

+ CRL.M.C. 7403/2024

SUMIT & ORS.

....Petitioners

Through: Mr. Abhishek Rana, Advocate with  
petitioners in person

versus

STATE OF NCT OF DELHI AND ANR.

....Respondents

Through: Mr. Satish Kumar, APP for the State  
with ASI Hans Raj  
R-2 in person

**CORAM:**

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

**ORDER**

**29.11.2024**

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1. The instant petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter "BNSS") has been filed by the petitioners seeking for quashing of FIR bearing No.0102/2021, registered at Police Station- Tilak Nagar, New Delhi, for the offences punishable under Sections 498A/406/34 of the Indian Penal Code, 1860 (hereinafter "IPC").
2. The petitioners are present before this Court and have been identified by their counsel Mr. Abhishek Rana and Investigating Officer ("IO" hereinafter) ASI Hans Raj, Police Station – Tilak Nagar, New Delhi. The respondent No.2 is also present before this Court and has been identified by her the IO.
3. On the query made by this Court, respondent No.2 has categorically stated that she has resolved her all disputes amicably with the petitioners at



her own free will and without any pressure. It is also stated by respondent No.2 that she is living peacefully with petitioner No.1 and has no objection if the aforesaid FIR is quashed.

4. The brief facts of the case are that the marriage between the petitioner No.1 and respondent No.2 got solemnized on 19<sup>th</sup> November, 2018 at New Delhi, according to Hindu rites and ceremonies but due to some temperamental differences between them, they started living separately since 4<sup>th</sup> November, 2020.

5. With the intervention of family members and relatives, both the parties have settled their disputes and now they are together living happy & peaceful married life.

6. It is prayed that the instant FIR be quashed as per the judgments 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***.

7. Learned APP for the State submitted that there is no opposition to the prayer made on behalf of the petitioners seeking quashing of the FIR in question in view of the fact that petitioner no.1 and respondent no.2 are living together happily.

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

9. 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.

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. 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.

11. 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.

12. In the instant case, as stated above, the parties have resolved the entire disputes without any pressure.

13. 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.



Accordingly, FIR bearing No.0102/2021, registered at Police Station- Tilak Nagar, New Delhi, for the offences punishable under Sections 498A/406/34 of the IPC and all consequential proceedings emanating therefrom are quashed.

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

**CHANDRA DHARI SINGH, J**

**NOVEMBER 29, 2024**

**Rt/mk**

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