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

+ **CRL.M.C. 7618/2024, CRL.M.A. 29059/2024**

AMAR SINGH DABAS AND ORSPetitioners

Through: Appearance not given.

versus

STATE GOVT OF NCT DELHI AND ANR & ANR.

.....Respondents

Through: Mr. Satish Kumar, APP for the State.

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

08.10.2024

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1. The instant petition under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter “Cr.P.C”) (currently under Section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023 “BNSS”) has been filed by the petitioners praying for quashing of FIR bearing No. 634/2022 registered at Police Station Mundka, New Delhi, for offences punishable under Sections 498A/406/323/34 of the Indian Penal Code, 1860 (hereinafter “IPC”).

2. The petitioners are present before this Court *via* video conference and have been identified the Investigating Officer and the respondent No. 2, who is present in-person before this Court, has been identified by the Investigating Officer.

3. The brief facts of the case are that the marriage between the petitioner no.1 and the respondent no.2 got solemnised at Le Garden, Bahadurgarh, Haryana, according to Hindu rites and ceremonies. There is one girl child



born out of their wedlock.

4. Due to some temperamental issues in their marriage, disputes arose between the parties, and respondent no. 2 filed the aforesaid FIR against the petitioners. However, with the intervention of the family members, relatives and well-wishers, the parties herein entered into a settlement vide Memorandum of Understanding (hereinafter “MoU”) dated 7th September, 2024, which is annexed as Annexure D to the instant petition.

5. On the query made by this Court, respondent no.2 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 and that the respondent no. 2 is now living with her husband i.e., petitioner no. 1

6. It is submitted that since the parties have settled their disputes amicably, no useful purpose would be served in continuing with the said FIR and consequential proceedings arising from the said FIR.

7. Accordingly, it is prayed that the instant FIR be quashed on the basis of the MoU dated 7th September, 2024 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***.

8. Learned APP appearing 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 and subsequent proceedings emanating therefrom in view of the settlement arrived between the parties vide the MoU.

9. Learned counsel appearing on behalf of the parties undertake to abide by all the terms and conditions of the MoU.



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

11. 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 MoU 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 *via* video conferencing 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.

12. 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.

13. 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 and the law laid down by the Hon'ble Supreme Court, the present petition is allowed

14. 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. 634/2022 registered at Police Station



Mundka, New Delhi, for offences punishable under Sections 498A/406/323/34 of the IPC and all consequential proceedings emanating therefrom are quashed.

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

CHANDRA DHARI SINGH, J

OCTOBER 8, 2024

Rk/mk

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