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

+ **CRL.M.C. 7751/2024**

VINOD & ORS.

.....Petitioners

Through: Mr. Vikas Chaudhary, Mr. Akshay Rajput and Mr. Lokesh Yadav,
Advocates along with the petitioners
in person

versus

STATE OF NCT OF DELHI AND ANR.

.....Respondents

Through: Mr. Satish Kumar, APP for the State
with SI Ruby
Mr. Aabhas Dahiya and Mr. Nitish
Dahiya, Advocates for R-2 along with
respondent no. 2 in person

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

25.10.2024

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CRL.M.A. 29587/2024 (Exemption)

Exemption allowed subject to just exceptions.

The application stands disposed of.

CRL.M.C. 7751/2024

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 by the petitioners praying for quashing of FIR bearing No. 88/2017 registered at Police Station Inderpuri, New Delhi for offences punishable under Sections 323/345/506/509/34 of the Indian Penal Code, 1860 (hereinafter "IPC").



2. Briefly stated, the present FIR is arising out of a family dispute between the petitioners and the respondent no. 2, and the same took an ugly shape which led to the registration of the aforesaid FIR against the petitioners on 20th April, 2017.

3. With the intervention of family members, neighbours and relatives, the petitioners and respondent no. 2 entered into a settlement *vide* Memorandum of Understanding dated 17th July, 2019 (hereinafter “MOU”). The terms and conditions of the said settlement are mentioned in the MOU which is annexed as Annexure-B to the petition.

4. The petitioners no. 1 to 7 are present before this Court and have been identified by their counsel, Mr. Vikas Chaudhary, Advocate and Investigating Officer SI Ruby, Police Station Inderpuri, New Delhi. It has been apprised to this Court that the petitioner no. 8 expired on 6th February, 2021 during the investigation which was verified by the Investigating Officer. Moreover, the respondent no. 2 is also present in the Court and has been identified by her counsel and the Investigating Officer.

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 she does not wish to pursue with the matter further. The parties also undertook that they shall abide by the terms and conditions of the said MOU arrived at between the parties.

6. Therefore, in view of the aforesaid, it is prayed that the instant FIR be quashed on the basis of MOU and 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 settlement arrived at between the parties.

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 reached on the compromise and amicably settled 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. 88/2017 registered at Police Station Inderpuri, New Delhi for offences punishable under Sections 323/345/506/509/34 of the IPC and all consequential proceedings emanating therefrom are quashed subject to the deposition of the cost of Rs. 20,000/- in the account of Army Central Welfare Fund, Saving Account no. 520101236373338 (IFSC- UBIN0530778), Bank Name- Union Bank of India, Branch- Chandni Chowk, Delhi – 110006 within a period of two weeks. The receipt to the payment of the aforesaid cost shall be furnished before the Registry as well as the IO of this Court within two weeks.

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

CHANDRA DHARI SINGH, J

OCTOBER 25, 2024
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[Click here to check corrigendum, if any](#)