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

+ **W.P.(CRL) 3166/2024**

SH JUNAID ALAM AND ORS.Petitioner

Through: Mr. Amit Rao, Advocate.

Versus

THE STATE THROUGH SHO & ANR.Respondent

Through: Mr. Anand V. Khatri, ASC with SI
Rajnandini

Respondent no.2 in person.

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

08.11.2024

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1. The instant petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter “BNSS”) earlier under 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. 299/2021 registered at Police Station Hauz Qazi, New Delhi, for the offences punishable under Sections 498A/406/354/377/34 of the Indian Penal Code, 1860 (hereinafter “IPC”).

2. The petitioners are present before this Court and have been identified by their counsel Mr. Amit Rao and the Investigating Officer (“IO” hereinafter). The respondent No.2 is also present in person before this Court and has been identified by the IO.



3. 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.

4. The brief facts of the case are that the marriage between the petitioner No.1 and respondent No.2 got solemnized on 4th July, 2020 at Ghaziabad, Uttar Pradesh according to Muslim rites and ceremonies, however, due to some temperamental differences between them, both the parties started living separately since 22nd July, 2020. There is no child from the wedlock. Subsequently, respondent No.2 filed a complaint against the petitioners before the CAW Cell, Kamla Market, which led to the registration of the aforesaid FIR. During the investigation, offences under Sections 354/377 of the IPC were also added.

5. With the intervention of family members and relatives, both the parties entered into a settlement *vide* Memorandum of Understanding/ Compromise Deed dated 29th November, 2022 (“MoU” hereinafter). The terms and conditions of the said settlement are mentioned in the MoU which is annexed as Annexure P-2 to the petition.

7. Further, in pursuance of the said settlement, the parties have jointly agreed that they shall dissolve their marriage mutually in accordance with applicable laws.

8. It is submitted that respondent No.2 has settled all her claims in respect of her dowry articles, marriage expenses, jewellery, gift items and claims of past, present and future maintenance and permanent alimony past, present and future maintenance and all other claims with the petitioner for a sum of Rs.7,00,000/- (Rupees Seven Lakhs) and all disputes of any nature



whatsoever. It is submitted that in view of the aforesaid MoU, it was agreed that the remaining amount of Rs. 3,00,000/- shall be paid by the petitioner No.1 to the respondent No.2 at the time of quashing of the present FIR. Respondent no.2, who is present in the Court, submitted that she has received the entire amount in terms of the MoU.

9. Therefore, in view of the aforesaid, it is prayed that the instant FIR be quashed on the basis of MoU dated 29th November, 2022 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***.

10. 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.

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

12. 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 petitioner 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. As per the settlement, the respondent no. 2 has received the entire settled amount.

13. 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.

14. 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 CrPC 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.

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.

15. In view of the settlement/MoU 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. 299/2021 registered at Police Station Hauz Qazi, New Delhi, for the offences punishable under Sections 498A/406/354/377/34 of the IPC and all consequential proceedings emanating therefrom are quashed.



16. The instant petition alongwith pending applications, if any, stands disposed of.

CHANDRA DHARI SINGH, J

NOVEMBER 8, 2024
NA/sm

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