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

+ **CRL.M.C. 8190/2024**

NAUSHAD AND ORS

.....Petitioners

Through: Mr. Anwar Masood and Mr. Suroosh
Anwar, Advocates along with the
petitioners

versus

THE STATE GOVT. OF NCT OF DELHI AND ANR.

.....Respondents

Through: Mr. Satish Kumar, APP for State with
SI Neelam, P. S. Sadar Bazar
Mr. Imran Khan and Mr. Shah Alam,
Advocates for R-2

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER
18.10.2024

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1. The instant petition under Section 482 of the Code of Criminal Procedure, 1973(hereinafter “Cr.P.C.”)(now under Section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023 (hereinafter “BNSS) has been filed by the petitioners praying for quashing of FIR bearing No. 864/2021 registered at Police Station Sadar Bazar for offences punishable under Sections 498A/406/323/34 of the Indian Penal Code, 1860 (hereinafter “IPC”).

2. The brief facts of the case are that the marriage between the petitioner no. 1 and respondent no.2 got solemnized in January 2023 according to



Muslim rites and ceremonies but due to some temperamental differences between them, they started living separately.

3. Despite several efforts of reconciliation, both the parties could not settle the differences. The respondent no.2 submitted a complaint with the CAW Cell, North, Delhi which led to the registration of the aforesaid FIR against the petitioners.

4. With the intervention of family members and relatives, both the parties entered into settlement vide Settlement Agreement dated 31st July, 2024. The terms and conditions of the said settlement are mentioned in the Settlement Agreement which is annexed as Annexure P-5 to the petition.

5. 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, iddat and mehar with the petitioner for a sum of Rs. 6,00,000/- and all disputes of any nature whatsoever, out of which the remaining amount of Rs.3,00,000/- was agreed to be paid at the time of quashing of the FIR. It is submitted that the respondent no. 2 has already received a sum of Rs. 3,00,000/- as per the terms of the Settlement Agreement.

6. It is submitted that the petitioner no. 1 and the respondent no. 2 has been divorced as per the Muslim law.

7. The petitioner no. 1 has handed over a Demand Draft bearing No.050491 for the balance amount of Rs.3,00,000/- dated 17th October, 2024 in the name of respondent no.2 today in the Court. The respondent no.2 has verified the particulars of the Demand Draft to her satisfaction and stated them to be correct.

8. The petitioners are also present before this Court and have been



identified by their counsel, Mr. Anwar Masood, Advocate (Enrl. No. D/1553/85) and Investigating Officer SI Neelam, Police Station Sadar Bazar. The respondent no. 2 is also present in the Court and has been identified by her counsel, Mr. Imran Khan (Enrl. No. D-584/96) and the Investigating Officer.

9. 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. The parties also undertook that they shall abide by the terms and conditions of the Settlement Agreement arrived at between the parties.

10. It is prayed that the instant FIR be quashed on the basis of Settlement Agreement dated 31st July, 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***.

11. 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.

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

13. 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 petitioners 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 dispute 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. As per the settlement, the respondent no. 2 has received the entire settled amount.

14. 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.

15. 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.

16. In the instant case, as stated above, the parties have reached on the compromise and amicably settled the entire dispute without any pressure.

17. 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. 864/2021 registered at Police Station Sadar Bazar for offences punishable under Sections 498A/406/323/34 of the IPC and all consequential proceedings emanating therefrom are quashed.

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

CHANDRA DHARI SINGH, J

OCTOBER 18, 2024
gs/mk

Click here to check corrigendum, if any