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

+ **CRL.M.C. 8422/2024**

ABDUL REHMAN @ ABDUR REHMAN @ KHURRAM

QURESHI @ NABEEL

.....Petitioner

Through: Mr. Asif Ahmed and Mr. Tribhuvan,
Advocates along with petitioner in
person

versus

STATE GOVT NCT OF DELHI & ANR.Respondents

Through: Mr. Satish Kumar, APP for State
along with the IO
Respondent no. 2 in person

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER
24.10.2024

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CRL.M.A. 32161/2024 (Exemption)

Exemption allowed subject to just exceptions.

The application stands disposed of.

CRL.M.C. 8422/2024

1. The instant petition under Section 528 of the Bhartiya 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 petitioner praying for quashing of FIR bearing No. 94/2023 dated 9th March, 2023 Delhi registered at Police Station Chandni Mahal for offences punishable under Sections 323/ 341/ 452/ 354/ 354A/ 354B /506 /392 /411



/419/427 of the Indian Penal Code, 1860 (hereinafter “IPC”) along with the proceedings pending before the learned MM, District-Central, Tis Hazari Courts.

2. The brief facts of the case are that the marriage between the petitioner and respondent no.2 got solemnized on 14th June, 2024 according to Muslim rites and ceremonies. The copy of the Nikah Nama is annexed as Annexure P-2 to the instant petition.

3. With the intervention of family members and relatives, both the parties entered into settlement *vide* Memorandum of Understanding/Settlement Deed dated 15th October, 2024 (hereinafter “Settlement Deed”). The terms and conditions of the said settlement are mentioned in the Settlement Deed which is annexed as Annexure P-3 to the petition.

4. The petitioner is also present before this Court and has been identified by his counsel, Mr. Asif Ahmed, Advocate and Investigating Officer (hereinafter “IO”), Police Station Chandni Mahal. The respondent no. 2 is also present in the Court and has been identified by the IO.

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. The petitioner undertook that he shall not commit any offence in future. The parties also undertook that they shall abide by the terms and conditions of the Settlement Deed arrived at between the parties.

6. It is prayed that the instant FIR be quashed on the basis of aforesaid Settlement Deed 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.

7. Learned APP for the State submitted that there is no opposition to the prayer made on behalf of the petitioner 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 dispute 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.

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 dispute 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. 94/2023 dated 9th March, 2023 registered at Police Station Chandni Mahal for offences punishable under Sections 323/341/452/ 354/354A/354B/506/392/411/ 419/427 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 24, 2024
gs/sm

Click here to check corrigendum, if any