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

+ **CRL.M.C. 9177/2024**

NAWAB & ANR.

.....Petitioners

Through: Ms. Nazma Akhtar and Mr. Atif
Khan, Advocates.

versus

THE STATE OF N.C.T. OF DELHI & ANR.

.....Respondents

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

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

% **25.11.2024**

CRL.M.A. 35140/2024 (Exemption).

1. Exemption allowed subject to just exceptions.
2. The application stands disposed of.

CRL.M.C. 9177/2024.

3. The instant petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter "BNSS") has been filed by the petitioners praying for quashing of FIR bearing No. 692/2014 registered at Police Station - Seelampur, Delhi for offences punishable under Sections 498A/406/34 of the Indian Penal Code, 1860 (hereinafter "IPC").
4. The brief facts of the case are that the marriage between the petitioner no. 1 and respondent no.2 got solemnized on 6th May, 2007 according to Muslim rites and customs. Two children were born out of their wedlock.
5. Despite several efforts of reconciliation, both the parties could not



settle the differences which led to the registration of the aforesaid FIR against the petitioner and after completion of the investigation, the chargesheet has been filed by the Investigating Officer on 13th May, 2016 against the petitioners.

6. On request of the parties the matter was referred to the Mediation Centre, Karkardooma Courts, Delhi and *vide* order dated 13th April, 2017 the settlement was arrived at between the parties amicably. The terms and conditions are mentioned in the mediation settlement agreement, which is annexed as Annexure P-4 to the instant petition. As per the terms and conditions therein, the parties are living together peacefully.

7. The petitioners are also present before this Court and have been identified by their counsel, Ms Nazma Akhtar, Advocate (Enrl. No. D-2013/2009). On query, they have produced their entry pass for this Court and their particulars are verified. The respondent no. 2 is also present in the Court and has been identified by his counsel. On query, she has produced her entry pass for this Court and her particulars are verified.

8. On the query made by this Court, respondent no.2 has categorically stated that she settled the matter on her own free will and without any pressure.

9. It is prayed that the instant FIR be quashed on the basis of 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.

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 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. Moreover, the petitioner no. 1 and respondent no. 2 reconciled and are living together peacefully.

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 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.

15. In the instant case, as stated above, the parties have reached on the compromise and amicably settled the entire disputes without any pressure and have been living together.

16. In view of the settlement arrived at between the parties, law laid down by the Hon'ble Supreme Court and the fact that they living together, the present petition is allowed. Accordingly, FIR bearing No. 692/2014 registered at Police Station- Seelampur, Delhi for offences punishable under Sections 498A/406/34 of the IPC and all consequential proceedings emanating therefrom are quashed.

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

CHANDRA DHARI SINGH, J

NOVEMBER 25, 2024

Rk/mk

Click here to check corrigendum, if any