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

+ **CRL.M.C. 9416/2024**

PRADEEP KUMAR

.....Petitioner

Through: Mr. Dinesh Kumar Sharma, Mr.
Dinesh Kumar Madesiya, Mr.
Shubham Mishra and Mr. Jai
Subhash Thakur, Advocates.

versus

THE STATE NCT OF DELHI AND ORS

.....Respondents

Through: Mr. Yudhvir Singh Chauhan, APP for
the State with SI Sheetal

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

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02.12.2024

CRL.M.A. 36141/2024 (Exemption)

Exemption allowed subject to just exceptions.

The application stands disposed of.

CRL.M.C. 9416/2024

1. The instant petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ("BNSS" hereinafter) (earlier Section 482 of the Code of Criminal Procedure, 1973) has been filed by the petitioner praying for quashing of FIR bearing No. 339/2019 registered at Police Station - Swaroop Nagar for offences punishable under Section 363 of the Indian Penal Code, 1860 (hereinafter "IPC").

2. The brief facts of the case are that the respondent no. 2 and 3 are the father-in-law and wife of the petitioner, respectively. Due to some



misunderstanding and temperamental issues, the aforesaid FIR is registered.

3. The petitioner is present before this Court and has been identified by his counsel, Mr. Dinesh Kumar Shrama and the Investigating Officer (“IO” hereinafter) and the respondents no. 2 and 3 i.e., the complainant and the victim are present before this Court and have been identified by the IO.

4. With the intervention of friends, relatives and respective members of society, the parties entered into settlement *vide* Memorandum of Understanding/Settlement Deed dated 3rd March, 2023 (hereinafter “MOU”). The terms and conditions of the said settlement are mentioned in the MoU which is annexed as Annexure-P-2 to the instant petition.

5. On the query made by this Court, the respondents no.2 and 3 have categorically stated that they have entered into compromise on their own free will and without any pressure and therefore, the victim submitted that she does not wish to pursue this matter further as she is married with the petitioner and having two kids from the said wedlock. They also undertook that they shall abide by all the terms and conditions of the MoU arrived at between the parties.

6. Accordingly, it is prayed that the instant FIR be quashed on the basis of the MoU arrived at between the parties 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. *Per contra*, Mr. Yudhvir Singh Chauhan, APP for the State submitted that there is no objection to the prayer made on behalf of the petitioner seeking quashing of the FIR in question and subsequent proceedings emanating therefrom, in view of the MoU 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 victim 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 and respondent no. 3 reconciled and are living together peacefully.
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. 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.
12. 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 and the FIR bearing No. 339/2019 registered at Police Station - Swaroop Nagar for offences punishable under Section 363 of the IPC and all consequential proceedings emanating therefrom are quashed.

13. The petition alongwith pending application(s), if any, stands disposed of.

CHANDRA DHARI SINGH, J

DECEMBER 2, 2024
gs/mk

Click here to check corrigendum, if any