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

+ **CRL.M.C. 9460/2024**

SHAHNAWAZ & ORS.

.....Petitioners

Through: Mr.Mukul Rawal, Advocate with
Petitioners in person.

versus

STATE OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Satish Kumar, APP for the State
with SI Rajni Kant
Mr.Tehzibur Rehman, Advocate for
R-2 with R-2 in person.

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

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03.12.2024

Crl.M.A. No. 36297/2024

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

Crl.M.C. No. 9460/2024

1. The petitioners *vide* the present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter “BNSS”) seek the quashing of the FIR No.389/2022, Police Station Kirti Nagar, under Sections 498A/406/506/34 of the Indian Penal Code, 1860 (hereinafter “IPC”).

2. The marriage between the petitioner no. 1 and the respondent no. 2 was solemnized on 17th August, 2021 as per Muslim rites and customs at



New Delhi. However, disputes arose between the parties due to some temperamental differences which led to the filing of the instant FIR by respondent no. 2.

3. Learned Counsel appearing on behalf of the petitioner submitted that a settlement has been arrived at between the parties to the petition and that all claims of the respondent No.2 *qua* her marriage with petitioner no. 1, stand settled in accordance with the terms of the Memorandum of Settlement dated 1st May, 2024, which is annexed as Annexure P2 to the petition.

4. The marriage between the petitioner no.1 and the respondent no.2 has since been dissolved *vide* a settlement-cum-mutual Divorce by Mubarat and a sum of Rs.11,786/- paid as Mehar to respondent no. 2 has been returned petitioner no. 1, the receipt of which is annexed as Annexure P3 to the petition. It is further submitted that no useful purpose would be served by the continuation of the proceedings in relation to the present FIR.

5. The Investigating Officer (hereinafter “IO”) of the case is present and has identified the petitioners, who are present before the Court today. The IO and has also identified the respondent No.2, who is present before the Court today.

6. On query, the respondent no.2 has stated that she has settled the matter with the petitioners voluntarily of her own accord without any duress, coercion or pressure from any quarter and that she does not oppose the prayer made by the petitioners seeking the quashing of the instant FIR.

7. Learned APP appearing on behalf of the State submitted that there is no opposition to the prayer made by the petitioners seeking the quashing of the FIR in question in view of the settlement arrived at between the parties.



8. It is prayed that the instant FIR be quashed on the basis of settlement between the parties.

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 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.

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 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 conscience 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 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.

13. In view thereof, FIR No.389/2022, Police Station Kirti Nagar, under Sections 498A/406/506/34 of the Indian Penal Code, 1860 and all consequential proceedings emanating therefrom against the petitioners are thus quashed.

14. The petition alongwith any pending applications, stands disposed of accordingly.

CHANDRA DHARI SINGH, J

DECEMBER 3, 2024
SV/ST

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