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

+ CRL.M.C. 9618/2024

MANOJ YADAV AND ORS.

.....Petitioners

Through: Ms. Sonali Gambhir and Mr. Umesh
Kumar, Advocates.

versus

STATE OF NCT OF DELHI AND ANR

.....Respondents

Through: Mr. Satish Kumar, APP for the State

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

O R D E R

% **09.12.2024**

CRL.M.A. 36921/2024 (Exemption)

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

CRL.M.C. 9618/2024

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. 426/2022 registered at Police Station – Mandawli Fazalpur, 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 12th February, 2003 at Delhi according to Hindu rites and ceremonies but due to some temperamental differences between them, they started living separately since 9th January,



2022. No child was born out of their wedlock.

5. Despite several efforts of reconciliation, both the parties could not settle their differences which led to the registration of the aforesaid FIR against the petitioners on the complaint of the respondent no. 2.

6. Learned counsel for the petitioner submitted that with the intervention of family members and counsel, both the parties amicably settled the matter before the counselling cell of learned Principal Judge, Family Court, Karkardooma Court, East District, Delhi *vide* Counselling Settlement dated 23rd October, 2024, which is annexed as Annexure-P2 to the petition. It is further submitted that the petitioner no.1 and respondent no.2 are living together peacefully pursuant to the said settlement.

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

8. 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.

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

10. 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.

11. 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.

12. 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 conscience of the society and that the compromise between the parties is voluntary and amicable.

13. The petitioners are also present before this Court through Video Conferencing and have been identified by their counsel, Mr.Umesh Kumar, Advocate and Investigating Officer, Police Station Mandawli Fazalpur, Delhi. The respondent no. 2 is also present in the Court and has been identified by the Investigating Officer.

14. 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.

15. In the instant case, as stated above, the parties have reached a compromise and amicably settled the entire disputes without any pressure. There is also no allegation from respondent no.2 that the conduct and antecedents of petitioners have been bad towards her after the said compromise. Moreover, the petitioner no.1 and respondent no.2 have



reconciled their differences and are living together peacefully.

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. 426/2022 registered at Police Station – Mandawli Fazalpur, 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

DECEMBER 9, 2024
NA/ST

Click here to check corrigendum, if any