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

+ CRL.M.C. 9823/2024
KAILASH

.....Petitioner

Through: Mr. Abhimanyu (D/2797/2017), Mr.
Nitin Sejwal (D/4873/2022), Mr.
Mohit sejwal, Mr. Nushant sejwal,
Mr Deepak gullia, Mr. Devender
singh, Mr. Rahul Yadav, Mr.
Kartikya, Advocates.

versus

STATE GOVT NCT OF DELHI AND ANRRespondents

Through: Mr. Satish Kumar, APP for the State
with SI Rinki
R-2 in person.

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

13.12.2024

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1. The instant petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter “BNSS”) [earlier Section 482 of the Code of Criminal Procedure, 1973(hereinafter “CrPC”)] has been filed by the petitioners praying for quashing of FIR bearing No. 522/2024 registered at Police Station K.N. Katju Marg, New Delhi, for the offence punishable under Section 69 Bharatiya Nyaya Sanhita (hereinafter “BNS”).

2. The brief facts of the case are that the petitioner and the respondent no.2 allegedly were engaged in a physical relationship with each other based on the’s petitioner’s assurance that he will marry respondent no.2. However, it is alleged that the petitioner thereafter started ignoring the respondent no.2’s messages and did not fulfill his promise of marrying her, which led to a complaint filed by the respondent no.2, culminating into the instant FIR.



3. Learned Counsel for the petitioner submitted that with the intervention of family members and relatives, the parties herein have entered into a settlement vide a Memorandum of Settlement dated 6th December, 2024. The terms and conditions of the said settlement are mentioned in the MoU which is annexed as Annexure A-2 to the instant petition.

4. It is submitted that the petitioner and the respondent no.2 are a legally married couple now and have been living a peaceful life. It is further submitted that the prosecution of the petitioner shall affect the married life of the couple and would cause further hardship to them.

5. Therefore, in view of the foregoing submissions, it is prayed that the present petition be allowed and the instant FIR be quashed.

6. *Per Contra*, the learned APP appearing for the State opposed the instant petition but conceded the fact that the marriage between the petitioner and the respondent no.2 got solemnized on 5th December, 2024.

7. Heard the learned counsel for the parties and perused the records

8. 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 do not have a serious impact on the society.

9. 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.

10. The respondent no.2 is also present before this Court and agreed with the submissions made by the learned counsel appearing for the petitioner and also prayed for quashing of the FIR on the basis of the marriage being solemnized between the parties.

11. The instant petition for quashing has been filed by the petitioner on the basis that the marriage was solemnized between him and the respondent no.2 and the parties have arrived at a settlement. Further, the parties are living a happily married life now and peace has been restored between them. Therefore, this Court is satisfied that keeping the proceedings in the instant FIR alive would serve no purpose in the present case.

12. In view of the law laid down by the Hon'ble Supreme Court and the fact that the petitioner and the respondent no.2 are happily married, the present petition is allowed. Accordingly, FIR bearing No. 522/2024 registered at Police Station K.N. Katju Marg, New Delhi, for the offence punishable under Sections under Sections 69 of the BNS and all consequential proceedings emanating therefrom are quashed.

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

CHANDRA DHARI SINGH, J

DECEMBER 13, 2024

NA/st

Click here to check corrigendum, if any