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

+ **CRL.M.C. 9877/2024**

ASHU MALIK & ORS.

.....Petitioner

Through: **Mr. Sushant Yogi, Advocate.**

versus

STATE NCT OF DELHI AND ANR

.....Respondent

Through: **Mr. Satish Kumar, APP for the State
with SI Vijay Pal Singh.**

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

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16.12.2024

CRL.M.A. 37823/2024 (Exemption)

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

CRL.M.C. 9877/2024

3. The instant petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter "BNSS") [earlier under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter "Cr.P.C.")] has been filed on behalf of the petitioners praying for quashing of FIR bearing No. 86/2023 registered at Police Station Crime (Women) Cell Nanak Pura, Delhi for the offences punishable under Sections 498A/406/354/354C/377/506/34 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 30th March, 2022 according to



Muslim Rites/Nikash, but due to some temperamental differences between them, they started living separately since 15th November, 2022.

5. Learned counsel for the petitioners submitted that despite several efforts of reconciliation, both the parties could not settle the differences. Thereafter, the respondent no.2 filed a complaint, pursuant to which the aforesaid FIR was registered on 26th October, 2023.

6. It is submitted that with the intervention of family members and relatives, both the parties entered into settlement on 3rd April, 2024. The terms and conditions of the said settlement are mentioned in the Memorandum of Understanding (MoU) which is annexed as Annexure D to the instant petition.

7. It is further submitted that in pursuance of the said settlement, respondent no.2 has already received Rs.2,60,000/- by way of DD No.734654 drawn on Bank of Baroda in full and final settlement in respect of her claims of past, present and future maintenance and permanent alimony. Respondent no.2 submitted that she has already received back her dowry articles, mehar, iddat, gift items etc.

8. Therefore, it is prayed that the instant FIR be quashed on the basis of settlement dated 3rd April, 2024 and in accordance with the settled law on this point as posited by the Hon'ble Supreme Court.

9. 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.

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

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 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.

13. The petitioners are present before this Court and have been identified by their counsel Mr. Sushant Yogi, Advocate. and the Investigating Officer. 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 has entered into compromise on her own free will and without any pressure. It is also stated by respondent No.2 that the entire dispute has been amicably settled between the parties.

15. 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.

16. 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.

17. 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.

18. Accordingly, FIR bearing No. 86/2023 registered at Police Station Crime (Women) Cell Nanak Pura, Delhi for the offences punishable under Sections 498A/406/354/354C/377/506/34 of the IPC and all consequential proceedings emanating therefrom are quashed.

17. The instant petition alongwith pending application, if any, stands disposed of.

CHANDRA DHARI SINGH, J

DECEMBER 16, 2024
rk/mk

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