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

+ **CRL.M.C. 9969/2024**

SAMAY SINGH & ANR.

.....Petitioners

Through: Mr. Prashant Singh Tanwar,
Advocate with petitioners in person.

versus

THE STATE GOVT. OF NCT OF DELHI AND ANR.

.....Respondents

Through: Mr. Satish Kumar, APP for the State
with SI Deshraj.
Respondent No.2 in person.

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

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18.12.2024

CRL.M.A. 38186/2024 (for exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

CRL.M.C. 9969/2024

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. 0131/2024 registered at Police Station - Baba Haridas Nagar, New Delhi for offences punishable under Sections 354/354-A/354-B/506 of the Indian Penal Code, 1860 (hereinafter "IPC").



2. Learned Counsel for the petitioner submitted that the marriage between the petitioner no.2 and respondent no.2 got solemnized on 28th April, 2019 at New Delhi according to Hindu rites and customs but due to some temperamental differences between them, respondent no.2 filed a complaint which led to the registration of the instant FIR against the petitioners. It is further submitted that the chargesheet has been filed by the Investigating Officer before the Court concerned.

3. It is submitted that with the intervention of family members and relatives, both the parties amicably settled the matter pursuant to a Memorandum of Understanding (MoU) dated 11th November, 2024, which is annexed as Annexure-C to the petition.

4. It is submitted that the petitioner no.2 and the respondent no.2 have agreed to stay peacefully with each other and continue their marital relationship.

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

6. 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.

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

8. 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.

9. 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.

10. 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.

11. The petitioners are also present before this Court and have been identified by their counsel, Mr. Prashant Singh Tanwar, Advocate and Investigating Officer. The respondent no. 2 is also present in the Court and has been identified by the Investigating Officer.

12. On the query made by this Court, respondent no.2 has categorically stated that she has settled the matter on her own free will and without any pressure. She admitted that she is living peacefully with petitioner no.2 pursuant to the MoU.

13. 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. There is also no allegation from respondent no.2 that the conduct and antecedents of petitioners have been improper towards her after the compromise. Moreover, the petitioner no. 2 and respondent no. 2 reconciled and are living together peacefully.

14. 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. 0131/2024 registered at Police Station- Baba Haridas Nagar, New Delhi for offences punishable under Sections 354/354-A/354-B/506 of the IPC and all consequential proceedings emanating therefrom are quashed.

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

CHANDRA DHARI SINGH, J

DECEMBER 18, 2024

NA/st

Click here to check corrigendum, if any