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

+ CRL.M.C. 10012/2024

ASHFAQ ALI & ORS.

.....Petitioners

Through: Mr Madhav Khurana, Senior Advocate with Ms. Shaurya Singh, Ms Ridhima Verma, Mr Shashwat Tripathi, Mr Aditya Gauri, Ms Aparajita Singh, Advocates.
Mr Rajkumar, Mr Habibur Rehman, Advocates

versus

THE STATE GOVT. OF NCT OF DELHI AND ANR.

.....Respondents

Through: Mr. Yudhvir Singh Chauhan, APP for State along with SI Sunit and SI Devi Parshad, PS- Jagat Puri.
Mr. Mr. Lareb Habib Ansari, Advocates for R-2.

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

19.12.2024

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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 seeking for quashing of FIR bearing No.579/2022, registered at Police Station - Jagat Puri, Delhi, for the offences punishable under Sections 498A/34 of the Indian Penal Code, 1860 (hereinafter “IPC”), and



the proceedings emanating therefrom.

2. Issue notice.

3. Notice is accepted by the learned APP for the State on behalf of respondent No.1 as well as by respondent No.2 present in the Court.

4. The brief facts of the case are that the marriage between the son of petitioners and respondent No.2 got solemnized on 15th February, 2004 at Delhi, according to Muslim rites and ceremonies. Pursuant to some matrimonial disputes, the respondent No.2 filed an application u/s 12 of the Protection of Women from Domestic Violence Act, 2005 against the petitioners. Thereafter, the respondent No.2 lodged a written complaint against the petitioners before CAW Cell, Delhi which culminated into the registration of the aforesaid FIR.

5. Learned Counsel for the petitioner submitted that with the intervention of family members and relatives, both the parties have settled their disputes *vide* Settlement Deed dated 11th November, 2024. The terms and conditions of the settlement are mentioned in the Settlement Deed, which is annexed as Annexure P-2 to the petition.

6. It is submitted that pursuant to the settlement, the son of the petitioner no.1 and 2, and the respondent no.2 are living together a happy and peaceful married life after the said settlement.

7. It is prayed that the instant FIR be quashed based on 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 fact that the son of petitioner no.1 and 2, and respondent no.2 are living together happily.



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 present before this Court and have been identified by their counsel Mr Madhav Khurana, Senior Advocate and Investigating Officer ("IO" hereinafter) ASI Hans Raj. The respondent No.2 is also



present before this Court and has been identified by the IO.

14. On the query made by this Court, respondent no.2 has categorically stated that she has resolved her all disputes amicably with the petitioners at her own free will and without any pressure. It is also stated by respondent no.2 that she is living peacefully with the son of the petitioner no.1 and 2, and has no objection if the aforesaid FIR is quashed. There is also no allegation from respondent no.2 that the conduct and antecedents of the petitioners have been improper towards her after the compromise.

15. In the instant case, as stated above, the parties have resolved the entire dispute without any pressure or coercion.

16. 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. Accordingly, FIR bearing No.579/2022, registered at Police Station- Jagat Puri, Delhi, for the offences punishable under Sections 498A/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 19, 2024

Rt/st

Click here to check corrigendum, if any