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

+ **W.P.(CRL) 95/2025**

SHIVA NAND CHOURASIA & ANR.Petitioners

Through: Mr. Shafiq Khan and Mr. Anil Mishra, Advocates along with petitioner in person.

versus

STATE NCT OF DELHI & ANR.Respondents

Through: Mr. Yasir Rafu Ansari, ASC for State with Mr. Alok Sharma, Mr. Mohit Raj Nagar and Mr. Vasu Agarwal, Advocates

Mr. Anil Naagar, Advocate for R-2 along with R-2 in person.

SI Sachin and HC Ajay No. 1286/NE, PS Khajuri Khas.

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

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14.02.2025

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 "Cr.P.C.")] read with Article 226 of the Constitution of India has been filed by the petitioners praying for quashing of FIR bearing No. 0485/2024 dated 06th October, 2024, registered at Police Station – Khajuri Khas, North-East, Delhi for offences punishable under Sections 126(2)/351(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023 (hereinafter "BNS") and Section 27 of the Arms Act, 1959.

2. The Joint Registrar (Judicial) vide order dated 11th February, 2025 has



verified the facts and details of the instant matter.

3. Learned counsel for the petitioners submitted that on account of certain misunderstanding between the petitioners and the respondent no.2, a complaint was lodged against the petitioners by the respondent no.2, which resulted in filing of the instant FIR dated 6th October, 2024.

4. Learned counsel appearing on behalf of the petitioners submitted that with the intervention of family members and relatives, both the parties have amicably settled the matter.

5. It is prayed that the instant FIR may be quashed on the basis of above said settlement and in accordance with the settled law on this point as posited by the Hon'ble Supreme Court.

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 material placed on the record.

8. The petitioners are also present before this Court and have been identified by their counsel, Mr. Shafiq Khan, Advocate and Investigating Officer HC Ajay, Police Station Khajuri Khas, Delhi. The respondent no. 2 is also present in the Court through video conferencing and has been identified by the Investigating Officer as well as his counsel Mr. Anil Naagar.

9. On the query made by this Court, respondent no.2 has categorically stated that he has settled the matter on his 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. He has also placed on record his



affidavit which is annexed as Annexure 1 to the instant petition wherein it is stated that he is not interested in pursuing the instant matter any further. Respondent No.2 further submitted that he has no objection if the aforesaid FIR is quashed. The parties also undertook that they shall abide the terms and conditions of the Settlement Agreement arrived at between the parties.

10. 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.

11. 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 conscious of the society and that the compromise between the parties is voluntary and amicable.

12. Keeping in view the fact that parties have settled the matter, no useful purpose would be served by keeping the matter pending. Hence, FIR bearing No. 0485/2024 dated 06th October, 2024, registered at Police Station – Khajuri Khas, North-East, Delhi, Delhi for offences punishable under Sections 126(2)/351(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023 and Section 27 of the Arms Act, 1959 and all consequential proceedings



emanating therefrom are quashed.

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

CHANDRA DHARI SINGH, J

FEBRUARY 14, 2025

Rt/anr

Click here to check corrigendum, if any