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

+ **CRL.M.C. 329/2025**

MR. GULCHAND & ORS.

.....Petitioner

Through: Mr. Anil Kumar, Advocate along
with petitioners in person

versus

STATE GOVT OF NCT OF DELHI AND ANRRespondents

Through: Mr. Raghuinder Verma, APP for the
State along with SI Saurabh Arora,
PS- Maidan Garhi
Respondent no. 2 in person

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

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27.01.2025

CRL.M.A. 1635/2025 (Exemption)

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

CRL.M.C. 329/2025

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.")] has been filed by the petitioners praying for quashing of FIR bearing No. 147/2019 dated 20th June, 2019 registered at Police Station – Maidan Garhi, Delhi for offences punishable under Sections 498A/406/34 of the Indian Penal Code, 1860 (hereinafter "IPC").



2. The Joint Registrar (Judicial) vide order dated 20th January, 2025 has verified the facts and details of the instant matter.

3. The brief facts of the case are that the marriage between the petitioner no. 1 and respondent no. 2 got solemnized on 26th May, 2018 at Delhi according to Hindu rites and ceremonies but due to some temperamental differences between them, they started living separately. Accordingly, the instant FIR is registered against the petitioner no. 1. No child was born out of their wedlock. However, after the intervention of the family members, they are residing together peacefully.

4. Learned counsel appearing on behalf of the petitioners submitted that with the intervention of family members and relatives, both the parties amicably settled the matter *vide* Compromise/Settlement Deed dated 7th January, 2025. The terms and conditions of the said settlement deed are mentioned in the Compromise/Settlement Deed which is annexed as Annexure-C to the petition.

5. Therefore, it is prayed that the instant FIR may be quashed on the basis of above said settlement deed and in accordance with the settled position of law as posited by the Hon'ble Supreme Court.

6. Learned APP for the State submitted that there is no objection 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 petitioners are present before this Court and have been identified by their counsel, Mr. Anil Kumar, Advocate and Investigating Officer SI Saurabh Arora, Police Station Maidan Garhi, Delhi. The respondent no. 2 is also present in the Court and has been identified by the Investigating



Officer.

9. On the query made by this Court, respondent no.2 has categorically stated that she settled the matter 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 and that she does not wish to pursue with the aforesaid FIR any further.

10. The parties also undertook that they shall abide by the terms and conditions of the Settlement Agreement/settlement deed arrived at between the parties and they are now living together.

11. 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.

12. 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.

13. In the present case, the complainant/respondent no. 2 is present in Court and has categorically stated that she has entered into compromise and settled the entire disputes amicably with the petitioners by her own free will



without any pressure or coercion. There is also no allegation from the respondent no.2 that the conduct and antecedents of petitioners have been bad towards her after the compromise. Moreover, the petitioner no. 1 and respondent no. 2 have 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. 147/2019 registered at Police Station – Maidan Garhi, Delhi for offences punishable under Sections 498A/406/34 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

JANUARY 27, 2025

rk/anr

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