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

+ **CRL.M.C. 484/2025**

SAURABH KUMAR @ SUNNY AND ORS.Petitioners

Through: Mr. Tushar Talwar, Advocate along
with petitioners in person

versus

STATE (NCT OF DELHI) AND ANR.Respondents

Through: Mr. Satish Kumar, APP for the State
along with SI Jitender Kumar
Mr. K. P. Sharma, Advocate for R-2
along with respondent in person

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

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30.01.2025

CRL.M.A. 2320/2025 (Exemption)

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

CRL.M.C. 484/2025

3. 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. 273/2023 registered at Police Station – Anand Parbat, Delhi for offences punishable under Sections 498A/406/34 of the Indian Penal Code, 1860 (hereinafter "IPC").
4. The Joint Registrar (Judicial) *vide* order dated 24th January, 2025 has



verified the facts and details of the instant matter.

5. The brief facts of the case are that the marriage between the petitioner no. 1 and respondent no.2 got solemnized on 23th November, 2016 at Ghaziabad according to Hindu rites and ceremonies but due to some temperamental differences between them, they started living separately since September, 2020. Two girl children were born out of their wedlock.

6. Learned counsel for the petitioner submitted that despite several efforts of reconciliation, both the parties could not settle the differences which led to the registration of the aforesaid FIR against the petitioners at Police Station– Anand Parbat, Delhi on 25th May, 2023.

7. It is submitted that with the intervention of family members and relatives, both the parties amicably settled the matter and are living together peacefully.

8. It is further submitted that both the parties entered into settlement on 10th December, 2024 *vide* Compromise Deed/ Settlement deed. The terms and conditions of the said settlement are mentioned in the settlement deed/compromise deed which is annexed as Annexure P-6 to the instant petition.

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

10. 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.

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

12. The petitioners are also present before this Court and have been



identified by their counsel, Mr. Tushar Talwar, Advocate and Investigating Officer SI Jitender Kumar, Police Station Anand Pravat, Delhi. The respondent no. 2 is also present in the Court and has been identified by his counsel, Mr. K. P. Sharma, Advocate and the Investigating Officer.

13. 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 the respondent no. 2 that the entire dispute has been amicably settled between the parties and she does not want to pursue the aforesaid FIR any further. The parties also undertook that they shall abide by the terms and conditions of the settlement deed/compromise deed arrived at between the parties.

14. 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.

15. 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.

16. 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.

17. 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 petitioners 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. Moreover, the petitioner no. 1 and respondent no. 2 reconciled and are living together peacefully.

18. 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. 273/2023 registered at Police Station – Anand Parbat, Delhi for offences punishable under Sections 498A/406/34 of the IPC and all consequential proceedings emanating therefrom are quashed.

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

CHANDRA DHARI SINGH, J

JANUARY 30, 2025

Rk/anr

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