



\$~80

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

+ **CRL.M.C. 632/2025**

DEVENDER PAL @ DEVINDAR PAL & ORS.Petitioners

Through: **Mr. M. Aman Rana, Advocate**

versus

STATE GOVT. OF NCT OF DELHI AND ANR. ...Respondents

Through: **Mr. Satish Kumar, APP for the State**

with SI Sheetal, PS Swaroop Nagar

Mr. Arun Kumar, Advocate for R-2

with R-2 in person

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

% **25.02.2025**

CRL.M.A.3000/2025 (for exemption)

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

CRL.M.C.632/2025

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 on behalf of the petitioners praying for quashing of FIR bearing No. 406/2019, dated 27th September, 2019 registered at Police Station – Swaroop Nagar, 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 30th January, 2025 has verified the facts and details of the instant matter. On the said date, the parties appeared in person before the learned Joint Registrar (Judicial).



5. The brief facts of the case are that the marriage between the petitioner no. 1 and respondent no. 2 got solemnized on 9th February, 2014 at Delhi according to Hindu rites and ceremonies but due to some temperamental differences between them, they started living separately since 16th April, 2017. Accordingly, the instant FIR was registered against the petitioners. No child was born out of the said wedlock.

6. Learned counsel appearing on behalf of the petitioners submitted that with the intervention of family members and well wishers, both the parties entered into settlement *vide* Compromise cum Settlement Deed dated 30th April, 2024 (“MoU” hereinafter). The terms and conditions of the said settlement are mentioned in the MoU which is annexed as Annexure P-3 to the instant petition.

7. It is submitted that vide order dated 3rd September, 2024 in the petition under Section 13-B (2) of the Hindu Marriage Act, 1955 (hereinafter “HMA”) filed by the petitioner no. 1 and respondent no. 2, learned Judge, Family Courts, North-District, Rohini Courts, Delhi, they were granted decree of divorce.

8. Therefore, it is prayed that the instant FIR may be quashed on the basis of above said MoU and in accordance with the settled law on this point as posited by the Hon’ble Supreme Court.

9. 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.

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

11. The respondent no. 2 is present in the Court and has been identified by the Investigating Officer SI Sheetal and her counsel Mr. Arun Kumar,



Advocate.

12. On the query made by this Court, respondent no.2 has categorically stated that she has entered into compromise on her own free will and without any pressure. It is also stated by respondent no.2 that she has settled all her claims in respect of her dowry articles, *stridhan*, marriage expenses, jewellery, gift items and claims of past, present and future maintenance with the petitioners for a sum of Rs. 6,20,000/- as per the terms of the above said MoU and she has already received the entire settlement amount. It is further stated by the respondent no.2 that the entire dispute has been amicably settled between the parties and she does not wish to pursue the aforesaid FIR any further. The parties also undertook that they shall abide by the terms and conditions of the Settlement Agreement arrived at between the parties.

13. 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.

14. 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.

15. 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.

16. 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 respondent no.2 that the conduct and antecedents of petitioners have been bad towards her after the compromise.

17. 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. 406/2019 dated 27th September, 2019 registered at Police Station – Swaroop Nagar, Delhi, for offences punishable under Sections 498A/406/34 of the IPC and all consequential proceedings emanating therefrom are quashed.

18. The petition alongwith pending applications, if any, stands disposed of.

CHANDRA DHARI SINGH, J

FEBRUARY 25, 2025

Rt/anr

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