



\$~84

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

+ **CRL.M.C. 664/2025**

JAIPAL SINGH AND ANR

.....Petitioners

Through: Mr. Ravi Dutt, Advocate (Through
VC)

versus

**STATE THROUGH SHO PS BABA HARIDAS NAGAR AND
ANR**

.....Respondents

Through: Mr. Raghuinder Verma, APP for
State with W/SI Rashmi (Main IO),
P.S. Janakpuri
Mr. Rampal Shokeen, Advocate
(Proxy) for Mr. Mahesh Rohilla,
Advocate for R-2 (Through VC)

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

18.02.2025

%

CRL.M.A. 3155/2025 (Exemption)

Exemption allowed subject to just exceptions.

The application stands disposed of.

CRL.M.C. 664/2025

1. The instant petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter "BNSS") has been filed on behalf of the petitioners praying for quashing of FIR bearing No. 0497/2023 dated 17th October, 2023, registered at Police Station - Baba Haridas Nagar, Delhi for



offences punishable under Sections 354/323/506/509/34 of the Indian Penal Code, 1860 (hereinafter “IPC”).

2. The Joint Registrar (Judicial) *vide* order dated 13th 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 filed against the petitioners by the respondent no.2, which resulted in registration of the instant FIR.

4. It is submitted that with the intervention of family members and relatives, both the parties have amicably settled the matter *vide* Memorandum of Understanding/Settlement dated 16th December, 2024 (“MoU” hereinafter). The terms and conditions of the said settlement are mentioned in the Settlement Agreement which is annexed as Annexure P-4 to the petition.

5. Therefore, it is prayed that the instant FIR may be quashed on the basis of MOU 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 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 through video conferencing and have been identified by their counsel Mr. Ravi Dutt and Investigating Officer W/SI Rashmi, Police Station – Janakpuri, Delhi. The respondent No.2/complainant is also present in the Court through video



conferencing and has been identified by her counsel, Mr. Rampal Shokeen and the Investigating Officer.

9. 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 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 the terms and conditions of the Settlement Agreement arrived at between the parties.

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 petitioners or any person related to them.

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. 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.

14. 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. 0497/2023 dated – 17th October, 2023 registered at Police Station - Baba Haridas Nagar, Delhi for offences punishable under Sections 354/323/506/509/34 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

FEBRUARY 18, 2025
gs/anr/mk

Click here to check corrigendum, if any