



\$~64

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

+ CRL.M.C. 666/2025 & CrI.M.A.3157/2025

MAHIPAL SINGH & ORS.Petitioners

Through: Ms. Shweta Singh, Advocate

versus

STATE GOVT. OF NCT OF DELHI AND ANRRespondents

Through: Mr. Satish Kumar, APP for the State
alogn with SI Deepak Sahu
Mr. Kishan Singh Chauhan,
Advocate

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER
24.02.2025

%

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”)] has been filed on behalf of the petitioners praying for quashing of FIR bearing No.466/2020 dated 17th November, 2020 registered at Police Station - Pul Prahlad Pur, Delhi, for the offences punishable under Sections 406/498A/506/509/34 of the Indian Penal Code, 1860 (hereinafter “IPC”).
2. Notice is accepted by the learned APP for the State.
3. Issue Notice.
4. The Joint Registrar (Judicial) vide order dated 31st 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 30th April, 2012 at District Auriya, Uttar Pradesh according to Hindu rites and ceremonies but due to some temperamental differences between them, they started living separately since 26th November, 2016. Accordingly, the instant FIR was registered against the petitioners on 17th November, 2020. No child was born out of their wedlock.

6. 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* Settlement Deed dated 4th January, 2025. The terms and conditions of the said settlement deed are mentioned in the said Settlement Deed, which is annexed as Annexure D to the instant petition.

7. 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.

8. 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.

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

10. The petitioners and the respondent appeared before the learned Joint Registrar (Judicial) on 31st January, 2025 and on the said date, the respondent No.2 got her statement recorded wherein she stated that she entered into the compromise/Settlement Deed dated 04th January, 2025 out of her own free will. She further stated that she has already received a sum of Rs. 2,50,000/- on the said date, a sum of Rs.5,50,000/- in cash and a sum of Rs. 2,00,000/- *via* online transfer vide transfer ID 503117115683 through



Bank Of Baroda before the learned Joint Registrar (Judicial). She further submitted that the said settlement amount was towards settlement of all her articles and *Stridhan* as well as towards her alimony and maintenance past, present and future whatsoever and she shall not claim anything in this regards in future by way of any litigation. She further stated that she has already obtained divorce from petitioner no. 1 in HMA No.1549/2019 vide divorce decree dated 2nd August, 2023 which is annexed as Annexure E to the instant petition. Furthermore, she has stated in her affidavit dated 25th January, 2025 that she has settled all the disputes with the petitioners as per the settlement agreement.

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 petitioners or any person related to them.

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. 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.

14. In the present case, the respondent no.2/complainant is present in Court and has categorically stated that she has entered into compromise and have settled the entire disputes amicably with the petitioners by her own free will without any pressure or coercion and she does not wish to pursue the aforesaid FIR any further. 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, as per the settlement, the respondent no. 2 has received the entire settlement amount.

15. In view of the settlement arrived at between the parties and the law laid down by the Hon'ble Supreme Court and the fact that they are now living together, the present petition is allowed. Accordingly, FIR bearing No.466/2020 dated 17th November, 2020 registered at Police Station - Pul Prahlad Pur, Delhi for the offences punishable under Sections 406/498A/506/509/34 of the IPC and all consequential proceedings emanating therefrom are quashed.

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

CHANDRA DHARI SINGH, J

FEBRUARY 24, 2025

Rt/anr/mk

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