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

+ **CRL.M.C. 770/2025**

SACHIN YADAV AND ORS

.....Petitioners

Through: Mr. Tanish Yadav, Adv. along with
the petitioners in person

versus

STATE NCT OF DELHI AND ANR.

.....Respondents

Through: Mr. Satish Kumar, APP for State with
SI Bharti and ASI Babita, PS Jaffarpur Kalan
Mr. Himanshu Rohilla, Adv. for R-2 along with
respondent no. 2 in person

CORAM:

HON'BLE MR. JUSTICE AJAY DIGPAUL

ORDER

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12.08.2025

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 "CrPC.")] has been filed on behalf of the petitioners praying for quashing of FIR bearing No. 63/2023, registered at Police Station, Jaffarpur Kalan for offences punishable under Sections 498A/406/34 of the Indian Penal Code, 1860 (hereinafter "IPC").
2. The brief facts of the case are that the marriage between petitioner no. 1 and respondent no.2 got solemnized on 30.11.2021 at Delhi, according to Hindu rites and ceremonies. However, due to some temperamental



differences between them, shortly after their marriage, they started living separately. No child was born from the said wedlock.

3. Despite efforts at reconciliation, both the parties could not settle their differences pursuant to which respondent no. 2 got FIR bearing No. 63/2023 registered. A decree of divorce was issued by the learned Family Court, Gurugram, *vide* order dated 21.12.2023.

4. However, at this stage, with the intervention of family members and relatives, both the parties have entered into Memorandum of Understanding dated 13.01.2025 (hereinafter “MOU”). The terms and conditions of the said settlement are mentioned in the settlement which is annexed as Annexure P-4 to the petition.

5. Learned counsel for the parties, thus, prayed that the instant FIR be quashed on the basis of MOU.

6. Learned APP for the State, who appears on advance notice, accepts notice and submits that there is no opposition 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. Tanish Yadav, and the Investigating Officer, SI Bharti, Police Station Jaffarpur Kalan. Respondent no. 2 is also present in the Court and has been identified by her counsel, Mr. Himanshu Rohilla, and the Investigating Officer.

9. The instant criminal proceedings concern non-compoundable offences which are private in nature and do not have a serious impact on society,



considering that there is a settlement/compromise between the victim and the accused.

10. In such cases, it is settled law that High Court is also required to consider the conduct and antecedents of the accused to ascertain that the settlement has been entered into by the victim's own free will and has not been imposed upon her by the petitioner or any person related to him.

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 CrPC/Section 528 of the BNSS, 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 do not have a serious impact on 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 the CrPC/Section 528 of the BNSS can be invoked even when such a case falls within the ambit of non-compoundable offences, given that the Court is satisfied that the nature of the offences do not impact the consciousness of society and that the compromise between the parties is voluntary and amicable

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



respondent no.2 that the conduct and antecedents of petitioners have been bad towards her after the compromise. Further, she submitted that she has no objection to the present FIR being quashed.

14. Therefore, 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. 63/2023, registered at Police Station, Jaffarpur Kalan, for the offences punishable under Sections 498A/406/34 of the IPC and all consequential proceedings emanating therefrom stand quashed.

15. The petition, along-with pending application(s), if any, stands disposed of.

AJAY DIGPAUL, J

AUGUST 12, 2025
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