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

+ **W.P.(CRL) 473/2025**

PANKAJ KUMAR AND OTHER

.....Petitioners

Through: Mr. Satish Kumar Mishra, Advocate
with petitioners in person (Through
VC)

versus

THE STATE GOVT. OF NCT OF DELHI AND ANR.

.....Respondents

Through: Mr. Rahul Tyagi, ASC (CrI.) with
Mr. Mathew M. Philop, Mr. Sangeet
Sibou, Mr. Aniket Kumar Singh,
Advocates for State with the
investigating officer.
Respondent No.2 (Through VC)

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

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18.02.2025

CRL.M.A. 4254/2025 (Exemption)

Exemption is allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(CRL) 473/2025

1. The instant petition under Article 226 of the Constitution of India read with 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. 0053/2025 dated – 20th



January, 2025 registered at Police Station – Bhalswa Dairy, Delhi for offences punishable under Sections 498A/506/323/34 of the Indian Penal Code, 1860 (hereinafter “IPC”).

2. The Joint Registrar (Judicial) *vide* order dated 11th February, 2025 has verified the facts and details of the instant matter.

3. The brief facts of the case are that the marriage between the petitioner no. 1 and respondent no. 2 got solemnized on 31st May, 2023 at Delhi according to Hindu rites and ceremonies but due to some temperamental differences between them, they started living separately but now after the intervention of the family members, they are now residing together peacefully. No child was born out of their wedlock.

4. Learned counsel appearing on behalf of the petitioners submitted that with the intervention of family members and relatives, both the parties have amicably settled the matter *vide* Memorandum of Understanding dated 28th January, 2025 (“MoU” hereinafter). The terms and conditions of the said MoU are mentioned in the MoU which is annexed as Annexure-P-4 to the instant petition.

5. 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.

6. Learned ASC 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 and the



Investigating Officer. The respondent no. 2 is also present in the Court through Video Conferencing and has been identified by the Investigating Officer.

9. On the query made by this Court, respondent no.2 has categorically stated that she has settled the matter 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. Moreover, the petitioner no. 1 and respondent no. 2 have reconciled and are now living together peacefully.

14. 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. 0053/2025 dated – 20th January, 2025 registered at Police Station – Bhalswa Dairy, Delhi for offences punishable under Sections 498A/506/323/34 of the IPC and all consequential proceedings emanating therefrom are quashed.

15. The petition alongwith pending application(s), if any, stand disposed of.

CHANDRA DHARI SINGH, J

FEBRUARY 18, 2025

NA/anr/mk

Click here to check corrigendum, if any