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

+ **W.P.(CRL) 540/2025**

AVDESH SINGH & ORS.

.....Petitioners

Through: Mr. M. K. Saraja and Mr. Kamal Verma, Advocates along with petitioners in person

versus

STATE NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Anand V Khatri, ASC for the State along with SI Anil Kumar Mr. Ashok Kr. Verma, Advocate for R-2 along with respondent no. 2 in person

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

20.02.2025

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CRL.M.A. 4854/2025 (Exemption)

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

W.P.(CRL) 540/2025

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. 356/2022 dated – 31st May, 2022 registered at Police Station – Vijay Vihar, Delhi for offences



punishable under Sections 498A/406/34 of the Indian Penal Code, 1860 (hereinafter “IPC”).

2. The Joint Registrar (Judicial) vide order dated 14th 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 October, 2017 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 living together peacefully. A girl 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 amicably settled the matter *vide* Settlement/Agreement Deed dated 18th January, 2023. The terms and conditions of the said settlement deed are mentioned in the Compromise/Settlement Deed which is annexed as Annexure-P-2 to the petition.

5. Therefore, it is prayed that the instant FIR may be quashed on the basis of above said settlement/agreement dated 18th January, 2023 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 and have been identified by their counsel, Mr. M. K. Saraja, Advocate and Investigating Officer SI



Anil Kumar, Police Station - Vijay Vihar, Delhi. The respondent no. 2 is also present in the Court 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. 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 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. 356/2022 dated 31st May, 2022 registered at Police Station – Vijay Vihar, Delhi for offences punishable under Sections 498A/406/34 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 20, 2025

rk/anr/mk

Click here to check corrigendum, if any