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

+ **CRL.M.C. 1358/2025 & CRL.M.A. 5977/2025**

DAYAL SINGH

.....Petitioner

Through: Mr. Ravinder Singh, Adv.
Petitioner in person

versus

STATE NCT OF DELHI AND ANR

.....Respondents

Through: Mr. Satish Kumar, APP for State with
SI Vidyakar Pathak, PS Mohan Garden
R-2 in person

CORAM:

HON'BLE MR. JUSTICE AJAY DIGPAUL

ORDER

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30.07.2025

CRL.M.A. 5977/2025 (Exemption)

1. Exemption allowed, subject to all just exceptions.
2. Application stands disposed of.

CRL.M.C. 1358/2025

3. The present petition under Section 528 of the Bhartiya 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 No. 428/2022, dated 23.07.2022, registered at Police Station - Mohan Garden, Delhi, for the offences punishable under Sections 498A/406/34 of the Indian Penal Code, 1860 (hereinafter "IPC").



4. The brief facts of the case are that the marriage between petitioner and respondent no. 2 got solemnized on 19.11.2019 at Delhi, according to Hindu rites and ceremonies. However, due to differences between them, shortly after their marriage, they started living separately. They are succeeded by one daughter namely Mishika.
5. Despite several efforts of reconciliation, both the parties could not settle their differences pursuant to which respondent no. 2 filed a criminal complaint with CAW Cell, Sector-9, Dwarka, New Delhi against the petitioner, which was converted into FIR No. 428/2022.
6. However, at this stage, with the intervention of family members and relatives, both the parties have entered into a settlement on 04.05.2024 before the Delhi Mediation Centre, Dwarka Courts. The terms and conditions of the said settlement are mentioned in the settlement deed which is annexed as Annexure P-3 to the petition.
7. However, the petitioner and respondent no. 2 realised their mistake and decided to live with each other and since 30.09.2024 started residing with each other at B-281, Second Floor, B-Block, Mohan Garden, Uttam Nagar, New Delhi-110059.
8. Thereafter, the parties entered into a fresh settlement deed dated 23.12.20224 which is annexed as Annexure P-7 to the petition.
9. It is, thus, prayed that the instant FIR be quashed on the basis of settlement dated 23.12.2024.
10. Learned APP for the State 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.
11. Heard learned counsel for the parties and perused the record.



12. The petitioners are present before this Court and have been identified by their counsel and the IO, Police Station Mohan Garden, Delhi. Respondent no. 2 is also present in the Court and has been identified by her counsel and the IO.

13. On a query being 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. Parties also undertook that they shall abide by all the terms and conditions of the settlement arrived at between the parties, and that they wish to live together.

14. 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.

15. 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 petitioner or any person related to him.

16. 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 does not have a serious impact on the society.



17. 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 must be satisfied that the nature of the offence does not impact the conscious of the society and that the compromise between the parties is voluntary and amicable.

18. 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. 428/2022, dated 23.07.2022, registered at Police Station - Mohan Garden, Delhi, for the offences punishable under Sections 498A/406/34 of the IPC and all the consequential proceedings emanating therefrom stand quashed.

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

AJAY DIGPAUL, J

JULY 30, 2025/ar/dd