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

+ **BAIL APPLN. 845/2025**

GUDDI DEVI

.....Petitioner

Through: Mr. Kanhaiya Singhal, Mr. Prasanna,
Mr. Ajay, Mr. Binwant Singh, Ms.
Ankita Makan, Mr. Aaditya Saraf,
Adv.

versus

STATE NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Aashneet Singh, APP with SI
Upendra Pandey, PS Laxmi Nagar

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+ **CRL.M.C. 1458/2025**

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Upendra Pandey, PS Laxmi Nagar

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

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03.03.2025

CRL.M.C. 1458/2025

1. This is a petition filed under section 528 of BNSS seeking quashing of FIR No. 322/2024, dated 13.10.2024, registered at PS Laxmi Nagar under section 109 (2) of BNS and all consequential proceedings emanating



therefrom.

2. Briefly stating the facts are that the petitioner, Guddi Devi, is the first wife of one person, namely, Mr. Vikas Lakra, while the complainant/respondent no. 2, namely, Saroj, is his second wife. Mr. Vikas Lakra married the respondent no. 2 without obtaining divorce from the petitioner. On 13.10.2024, the petitioner attacked the respondent no. 2 with a knife and caused hurt to her on her neck, hand and stomach.

3. Hence the present FIR came to be registered.

4. During the pendency of the proceedings, the parties have arrived at a settlement, whereby respondent No. 2 has given an affidavit regarding her no objection to the FIR No. 322/2024 being quashed. The said affidavit is placed on record.

5. For the said reasons, issue notice.

6. Mr. Singh, learned APP accepts notice and opposes the present petition.

7. Mr. Singhal, learned counsel for the petitioner draws my attention to the order dated 16.10.2023 passed in CRL.M.C. 6310/2023 titled “**Mahesh & Ors. vs. State (NCT of Delhi) & Ors.**” and more particularly paras 18 to 20 which read as under:

“18. As both, the learned counsel for the petitioner, as well as, the learned APP, have referred to the decision in Laxmi Narain (supra), therefore, before adverting to the facts of the case, apt would it be to refer to the said decision wherein the relevant aspects, which are to be considered while quashing an FIR under Section 307 IPC and other non-compoundable offences on the basis of compromise, have been delineated. The relevant part of the



judgment reads as under:-

“15.4. Offences under Section 307 IPC and the Arms Act, etc. would fall in the category of heinous and serious offences and therefore are to be treated as crime against the society and not against the individual alone, and therefore, the criminal proceedings for the offence under Section 307 IPC and/or the Arms Act, etc. which have a serious impact on the society cannot be quashed in exercise of powers under Section 482 of the Code, on the ground that the parties have resolved their entire dispute amongst themselves. However, the High Court would not rest its decision merely because there is a mention of Section 307 IPC in the FIR or the charge is framed under this provision. It would be open to the High Court to examine as to whether incorporation of Section 307 IPC is there for the sake of it or the prosecution has collected sufficient evidence, which if proved, would lead to framing the charge under Section 307 IPC. For this purpose, it would be open to the High Court to go by the nature of injury sustained, whether such injury is inflicted on the vital/delicate parts of the body, nature of weapons used, etc. However, such an exercise by the High Court would be permissible only after the evidence is collected after investigation and the charge-sheet is filed/charge is framed and/or during the trial. Such exercise is not permissible when the matter is still under investigation. Therefore, the ultimate conclusion in paras 29.6 and 29.7 of the decision of this Court in Narinder Singh [Narinder Singh



v. State of Punjab, (2014) 6 SCC 466 : (2014) 3 SCC (Cri) 54] should be read harmoniously and to be read as a whole and in the circumstances stated hereinabove;

15.5 While exercising the power under Section 482 of the Code to quash the criminal proceedings in respect of non-compoundable offences, which are private in nature and do not have a serious impact on society, on the ground that there is a settlement/compromise between the victim and the offender, the High Court is required to consider the antecedents of the accused; the conduct of the accused, namely, whether the accused was absconding and why he was absconding, how he had managed with the complainant to enter into a compromise, etc.”

19. It is an admitted position that the accused persons and the victims/complainants have entered into a settlement with the assistance of their families, friends and relatives. It is also not in dispute that the parties are residents of the same village, namely, Ghonda and they are related to each other and the three petitioners and three respondents are above the age of 60 years.

20. The FIR pertains to the year 2008 and a perusal of the FIR, as well as, the charge-sheet reveals that the genesis of the fight between the parties was not pre-planned or pre-meditated and, it occurred at the spur of the moment when the cycle of the petitioner no.1 touched the car of respondent no.3, in which both sides suffered injuries that led to the registration of two cross FIRs including the present one.”



8. In the present case, even though the FIR is registered under section 109 (2) BNS, the fact remains that the respondent no.2 /complainant has settled all the disputes with the petitioner. In view of the settlement, it is highly unlikely that the complainant will come forward and support the case of the prosecution by tendering her evidence.

9. Additionally, even though the act of Mr. Vikas Lakra, marrying the respondent no.2 without obtaining divorce from the petitioner is illegal, I am of the view that the altercation between the petitioner and the respondent No. 2/complainant are purely arising out of matrimonial discord and there is no offence against the State. The petitioner has no other criminal antecedents and belongs to the poor strata of the society.

10. Mr. Singhal, learned counsel for the petitioner regrets the actions of the petitioner and undertakes that the petitioner will never repeat such action in future.

11. Respondent no. 2 is present in Court and is identified by SI Upendra Kumar, PS Laxmi Nagar. She states that she has no objection if the FIR No. 322/2024 is quashed.

12. I am satisfied that the settlement is legal, valid, binding and has been executed without any threat, pressure, coercion or undue influence.

13. Since the parties have arrived at a settlement and no disputes are pending, I am convinced that quashing of such proceedings on account of compromise would bring about peace and would secure the ends of justice. This court does not see any fruitful purpose if criminal proceedings are permitted to be prosecuted any further. It is a fit case for quashing. In this view of the matter, there is no reason to continue the proceedings. and the settlement is arrived at without any threat, pressure, coercion or undue



influence.

14. For the said reasons, FIR No. 322/2024, dated 13.10.2024, registered at PS Laxmi Nagar under section 109 (2) of BNS and all consequential proceedings emanating therefrom are hereby quashed.

15. Since the FIR No. 322/2024 is quashed, it is directed that the petitioner be released forthwith, if not required in any other case.

16. The order be communicated to the concerned jail authorities for necessary information and compliance.

17. The petition is disposed of accordingly.

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18. In view of the order passed today in CRL.M.C. 1458/2025, the present petition has become infructuous and is disposed of accordingly.

19. *Dasti* under the signature of Court Master.

JASMEET SINGH, J

MARCH 3, 2025/DM

Click here to check corrigendum, if any