



\$~42

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

+ **CRL.M.C. 1853/2025**

SANJAY KUMAR SHAH & ORS.

.....Petitioners

Through: Mr. Rajendra Kumar, Adv. with the
petitioners in person.

versus

**THE STATE GOVT. OF NCT OF DELHI AND
ANR.**

.....Respondents

Through: Mr. Satish Kumar, APP for State with
IO Reena, PS Prashant Vihar
Mr. Ashutosh Saini, Adv. for R-2 along with R-2
in person.

CORAM:

HON'BLE MR. JUSTICE AJAY DIGPAUL

ORDER
22.09.2025

%

1. The instant petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter "BNSS") has been filed on behalf of the petitioners praying for the quashing of FIR bearing no. 16/2017, registered at Police Station - Prashant Vihar, for the offences punishable under Sections 498A/34 of the Indian Penal Code, 1860 (hereinafter "IPC").
2. The brief facts concerning the present dispute are that the marriage of petitioner no. 1 and deceased was solemnized on 15.05.2016, according to Hindu rites and ceremonies. Thereafter, in the year 2017, the instant FIR was lodged by the respondent no. 2 (brother of deceased/complainant) as his sister died.



3. Learned counsel for the petitioners submitted that initially Section 304B of the IPC was invoked in the FIR, however, in terms of order dated 27.07.2017, the learned Trial Court held that no *prima facie* case against the accused persons for the said offence is made out. The said order is on record. It is further submitted that the said order was challenged before this Court by the State by way of a revision petition, and the same was dismissed vide order dated 18.12.2024.

4. It is further submitted that, at this stage, petitioners and the respondent no. 2 (brother of deceased/complainant) have entered into a settlement. As per the said settlement, respondent no. 2 has agreed to compromise the matter for which petitioners have agreed to pay a sum of Rs. 40,000/- at the time of quashing of FIR. Statements of parties have been recorded before the Joint Registrar (Judicial) in this regard.

5. Learned counsel appearing on behalf of the respondent no. 2 submitted that he has settled all the disputes of any nature whatsoever for a sum of ₹ 40,000/- which was agreed to be paid at the time of quashing of the FIR.

6. At this juncture, petitioner no. 1 has handed over a sum of Rs. 40,000/- to the respondent no. 2 today in the Court.

7. It is, thus, prayed that the instant FIR be quashed on the basis of settlement.

8. Heard. Issue notice.

9. 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.



10. Heard learned counsel for the parties and perused the record.

11. It is observed that the FIR contains Section 304B of the IPC as an offence against the petitioners, however, the record (order on charge which was upheld by the revisional court) states that the said offence was not made out against the petitioners. Therefore, the offence in question in the instant matter is Sections 498A/34 of the IPC.

12. The instant criminal proceedings concern non-compoundable offences that are private in nature and do not have a serious impact on society, especially considering that there is a settlement/compromise between the victim and the accused.

13. 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.

14. In the case of ***State of Madhya Pradesh v. 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 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.

15. Furthermore, it was observed by the Hon'ble Supreme Court in the case of ***Ramgopal and Ors. v. 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 offence does not impact the conscience of society, and that the compromise between the parties is voluntary and amicable.

16. The petitioners are present before this Court and have been identified by their counsel and the Investigating Officer, Police Station - Prashant Vihar. Respondent no. 2 is also present in the Court and has been identified by his counsel and the concerned Investigating Officer.

17. In the present case, the complainant/respondent no. 2 is present in Court and has categorically stated that he has entered into compromise and settled the entirety of disputes with the petitioners amicably and of his own free will, without any pressure or coercion. Further, he submits that he has no objection to the present FIR being quashed.

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. 16/2017, registered at Police Station Prashant Vihar, for offences punishable under Sections 498A/34 of the IPC, and all consequential proceedings emanating therefrom stand quashed *qua* the present petitioners.

19. Children from the wedlock, if any, are free to assert their rights in accordance with law.

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

AJAY DIGPAUL, J

SEPTEMBER 22, 2025/Sk/ryp