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

+ CRL.M.C. 2502/2025 & CRL.M.A. 11195/2025

SURAJ DHAULAKHANDI & ORS.

.....Petitioners

Through: Mr. Neeraj Kumar Mishra and
Mr. Onkar Pandey, Advs.

versus

THE STATE NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Satish Kumar, APP for State with
SI Ankit Kumar, PS Mandawali
Mr. D. K. Pandey and Mr. Kartik Dhingra, Advs.
for R-2 along with respondent no. 2 in person

CORAM:

HON'BLE MR. JUSTICE AJAY DIGPAUL

ORDER

22.07.2025

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1. The instant 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 bearing no. 607/2022 registered at Police Station – Mandawali Fazalpur for the offences punishable under Sections 498A/406/34 of the Indian Penal Code, 1860 (hereinafter "IPC").

2. Learned counsel appearing on behalf of the petitioner submitted that the marriage between petitioner no. 1 and respondent no.2 got solemnized on 23.11.2021 at Uttarakhand, according to Hindu rites and ceremonies,



however, due to some temperamental differences between them, shortly after their marriage, they started living separately since 22.01.2022. No child is born out of the said wedlock.

3. Despite several efforts of reconciliation, both the parties could not settle their differences pursuant to which respondent no. 2 lodged an FIR no. 607/2022 and the petitioner no. 1 filed a divorce petition bearing HMA no. 365/2022 under the Hindu Marriage Act, 1955. However, at this stage, with the intervention of family members and relatives, both the parties have entered into a MOU on 30.11.2024. The terms and conditions of the said settlement are mentioned in the settlement deed which is annexed as Annexure P-1 to the petition.

4. Further, in terms of the said settlement, it has been agreed among the parties that petitioner no. 1 shall pay a sum of Rs. 10,00,000/- to respondent no. 2 as full and final settlement against all her claims including maintenance (past, present and future), permanent alimony, *stridhan*, including the execution amount.

5. It has also been agreed by the parties that the an FIR no. 607/2022 and the divorce petition bearing HMA no. 365/2022 shall be withdrawn as they do not wish to pursue the said matters any further. Moreover, a mutual divorce decree dated 04.02.2025 in HMA no. 167/2025 under Section 13-B(2) of the Hindu Marriage Act, 1955. It is, thus, prayed that the instant FIR be quashed.

6. Learned APP for the State submitted 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.

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



8. 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.

9. 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.

10. 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.

11. 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.

12. The petitioners are present before this Court and have been identified by his counsel, Mr. Neeraj Kumar Mishra and the Investigating Officer SI



Ankit Kumar, Police Station Badarpur, Delhi. Respondent no.2 is also present in the Court and has been identified by her counsel, Mr. D. K. Pandey and the Investigating Officer.

13. On the query made by this Court, respondent no.2/complainant, present in Court, 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 and she has received the entire amount thereof. There is also no allegation from respondent no.2 that the conduct and antecedents of petitioners have been bad towards her after the compromise. Further, her affidavit, stating no objection to the instant FIR being quashed, is also on record. Parties also undertook that they shall abide by all the terms and conditions of the settlement arrived at between the parties.

14. 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. 607/2022 registered at Police Station – Mandawali Fazalpur for the offences punishable under Sections 498A/406/34 of the IPC and all the consequential proceedings emanating therefrom are quashed.

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

AJAY DIGPAUL, J

JULY 22, 2025

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