



\$~45

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

+ **CRL.M.C. 2540/2025 & CRL.M.A. 11384/2025**

ABHISHEK JAIN AND OTHERS

.....Petitioners

Through: Mr. S.C. Jain, Mr. Aayush Khetarpal,
Mr. Jayant Nandan and Mr. Yash, Advs.

Petitioners in person.

versus

**THE STATE (GOVT OF N.C.T. DELHI) AND
ANR.**

.....Respondents

Through: Mr. Satish Kumar, APP for State with
ASI Rambilas, PS Adarsh Nagar

Mr. Prashant Gupta, Adv. for R-2 with R-2 in
person.

CORAM:

HON'BLE MR. JUSTICE AJAY DIGPAUL

ORDER

12.09.2025

%

1. The instant petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter "BNSS") [earlier Section 482 of the Code of Criminal Procedure, 1973 (hereinafter "CrPC")] has been filed on behalf of the petitioners praying for the quashing of FIR No. 263/2018, registered at Police Station – Adarsh Nagar, for offences punishable under Sections 498A/406/34 of the Indian Penal Code, 1860 (hereinafter "IPC").
2. The brief facts concerning the present dispute are that the marriage between petitioner no. 1 and respondent no. 2 was solemnized on 29.11.2017, according to Hindu rites and ceremonies. However, due to some temperamental differences between them, shortly after their marriage, they started living separately.



3. Despite efforts of reconciliation, both the parties could not settle their differences, pursuant to which respondent no.2 got FIR No. 263/2018 registered.
4. However, at this stage, with the intervention of family members and relatives, both the parties have entered a settlement on 08.12.2021. The terms and conditions of the said settlement are mentioned in the Settlement Agreement which is annexed as “Annexure P-2” to the petition. In pursuance of the said settlement, the parties have jointly agreed that they shall move for divorce under Section 13B (1) and under Section 13B (2) of the Hindu Marriage Act, 1955 (hereinafter “HMA”).
5. It is, thus, prayed that the instant FIR be quashed on the basis of Settlement Agreement dated 08.12.2021.
6. 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.
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 and the Investigating Officer, Police Station – Adarsh Nagar. Respondent no. 2 is also present in the Court and has been identified by her counsel and the concerned Investigating Officer.
9. 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.
10. 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 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.

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 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.

13. In the present case, the complainant/respondent no. 2 is present in Court and has categorically stated that she has entered into compromise and settled the entirety of disputes with the petitioners amicably and of 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 entering into this compromise. Further, she submits that she has no objection to the present FIR being quashed.



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 No. 263/2018, registered at Police Station – Adarsh Nagar, for offences punishable under Sections 498A/406/34 of the IPC, and all consequential proceedings emanating therefrom stand quashed *qua* the present petitioners.

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

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

AJAY DIGPAUL, J

SEPTEMBER 12, 2025/AS/yr