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

+ **CRL.M.C. 3088/2025**

GAURAV PRABHAKAR & ORS.

.....Petitioners

Through: Mr. Deepak Acharya, Adv. with
Petitioner no. 1

Petitioners no. 2 to 4 in person (through VC)

versus

STATE NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Satish Kumar, APP for State with
IO/SI Kumher Singh, PS Shaheen Bagh and Mr.
Ghanshyam, PS Pul Prahlad Pur
R-2 in person (through VC)

CORAM:

HON'BLE MR. JUSTICE AJAY DIGPAUL

ORDER

06.08.2025

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1. The present petition has been filed under Section 528 Bharatiya Nagarik Suraksha Sanhita, 2023 (Hereinafter "BNSS") (earlier Section 482 of the Code of Criminal Procedure (Hereinafter "CrPC") seeking quashing of FIR No. 305/2018 dated 20.12.2018 under Sections 498A/406/34 of the Indian Penal Code (Hereinafter "IPC") registered at Police Station Pul Prahlad Pur and all consequential proceedings emanating therefrom on the ground that the parties have arrived at a settlement.

2. The petitioner no. 1 (former husband), as well as, petitioner nos. 2 to 4, who are close relatives of the petitioner no.1 and respondent no. 2 (former wife) are present in the Court and they have been identified by their respective counsel and by the Investigating Officer.



3. The brief facts of the case are that the marriage between the petitioner no. 1 and respondent no. 2 was solemnized on 04.05.2017 according to Hindu Rites and Customs. No child was born out of the said wedlock.
4. However, due to some temperamental differences between them, shortly after their marriage, they started living separately. Thereafter, respondent no. 2 filed a criminal complaint against petitioners, which culminated into an FIR No. 305/2018.
5. During the pendency of the proceedings, the parties arrived at a settlement, terms whereof were reduced in writing in the form of Settlement dated 13.11.2024, which is annexed as Annexure B to the present petition.
6. In terms of the said settlement, the parties decided to dissolve their marriage by filing a petition for divorce by way of mutual consent. Accordingly, the petitioner no.1 and respondent no. 2 have obtained a decree of divorce dated 23.01.2025.
7. In pursuance of the said settlement, it has been agreed among the parties that petitioner no. 1 shall pay a sum of ₹ 2,00,000/- to the 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.
8. Heard learned counsel for the parties and perused the record.
9. The petitioners are present before this Court and have been identified by their counsel and the Investigating Officer, Police Station Pul Prahlad Pur, Delhi. Respondent no. 2 is also present in the Court through VC and has been identified by her counsel and the Investigating Officer.
10. On the query 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.

11. Learned APP submits that since the FIR is an outcome of a matrimonial dispute and the parties have arrived at a settlement, the State has no objection in case the FIR in question is quashed.

12. 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.

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 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.

15. 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.

16. 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 entire disputes amicably with the petitioners by 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 the compromise. As per the settlement, the respondent no. 2 has received the entire settled amount. Further, her affidavit, stating no objection to the instant FIR being quashed, is also on record.

17. 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. 305/2018, dated 20.12.2018, registered at Police Station – Pul Prahlad Pur, Delhi, for the offences punishable under Sections 498A/406/34 of the IPC and all the consequential proceedings emanating therefrom are quashed.

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

AJAY DIGPAUL, J

AUGUST 6, 2025/ar/dd