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

+ CRL.M.C. 3453/2025

AJAY KUMAR SURANA @AJAY SURANAPetitioner

Through: Mr. Rajnish Ranjan and
Mr. Abhishrut Singh, Advs.

versus

STATE OF NCT OF DELHI & ANR.Respondents

Through: Mr. Manoj Pant, APP for State with
WSI Os Thakur, PS Vasant Kunj South.

Ms. Seema Seth, Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE AJAY DIGPAUL

ORDER

29.08.2025

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1. The instant petition under Section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023 (hereinafter "BNSS") has been filed for quashing of FIR no. 438/2016, registered at Police Station Vasant Kunj South for offences punishable under Sections 323/35/506/509/34 of the Indian Penal Code, 1860 (hereinafter "IPC").
2. The brief facts of the case are that the marriage between petitioner no. 1 and respondent no. 2 was solemnized on 10.11.1995 at Delhi, according to Hindu rites and ceremonies. Two children were born from this wedlock. However, due to temperamental differences between them, they started living separately in the year 2016.
3. Despite efforts at reconciliation, both the parties could not settle their differences pursuant to which respondent no. 2 got FIR no. 438/2016 registered.



4. However, at this stage, with the intervention of family members and relatives, both the parties have entered into a settlement. 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”) and accordingly, the second motion petition under Section 13B (2) stood allowed on 02.12.2024.

5. Learned counsel appearing on behalf of the petitioners submitted that respondent no. 2 has settled all her claims in respect of her dowry articles, *stridhan*, marriage expenses, jewelries, gift items and claims of past, present and future maintenance and permanent alimony with the petitioners and all disputes of any nature whatsoever. The respondent no. 2 has also received pieces of land by way of gift. Details of the land stand extracted from the settlement agreement between parties as under:

“Khasra No. 1592/1077, Behind Surana Krishi Farm, Churu, Rajasthan. Land Area 248 Sq. Meter. Purchased from Rajesh Kumar vide sale deed dated 21.03.2011.

Khasra No. 1082 (Part) & 1083 (Part), Behind Surana Krishi Farm, Churu, Rajasthan.

Land Area 1117.57 Sq. Meter. Purchased from Madan Gopal vide sale deed dated 16.03.2011.”

6. It is stated by the learned counsel for the respondent no. 2 that she has settled with the petitioner in terms of the settlement and she has no objection to the quashing of the FIR in question.



7. It is thus prayed that the instant FIR be quashed on the basis of the settlement which has been arrived at between the parties.
8. 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 which has been arrived at between the parties.
9. Heard learned counsel for the parties and perused the record.
10. The petitioners are present before this Court and have been identified by their counsel and the Investigating Officer, Police Station Vasant Kunj. Respondent no. 2 is also present in Court and has been identified by her counsel and the Investigating Officer.
11. The instant criminal proceedings concern non-compoundable offences which are private in nature and do not have a serious impact on society, especially considering that there is a settlement/compromise which has been arrived at between the victim and accused.
12. 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.
13. 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 do not have a serious impact on society.

14. 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 when 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.

15. 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 dispute amicably with the petitioner 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 petitioner have been bad towards her after the compromise. As per the settlement, respondent no. 2 states that she has received the entire settled amount. Further, she submits that she has no objection to the present FIR being quashed.

16. 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. 438/2016, registered at Police Station Vasant Kunj South for offences punishable under Sections 323/35/506/509/34 and all consequential proceedings emanating therefrom stand quashed.

17. At this juncture, it is informed by the learned APP that although the present petition has been filed by one petitioner, Mr. Ajay Kumar Surana, there are two other accused persons.



18. The respondent no. 2 is present in Court and she has already stated having no objection to the quashing of the FIR and she affirms the statement made hereinabove.
19. In view of the statement made by the respondent no. 2, let the FIR be quashed against both the other accused persons as well.
20. The petition along-with pending application(s), if any, stands disposed of.

AJAY DIGPAUL, J

AUGUST 29, 2025

Sk/av