



\$~54

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

+ **CRL.M.C. 4819/2025 & CRL.M.A. 20883/2025**

ANIL KUMAR AND ORS

.....Petitioners

Through: Ms. Vassundhara Nongmeikapam,
Adv. with the Petitioners in person.

versus

THE STATE NCT OF DELHI AND ANR

.....Respondents

Through: Ms. Meenakshi Dahiya, APP for the
State with SI Vishnu Singh, PS Badarpur.

Complainant in person.

CORAM:

HON'BLE MR. JUSTICE AJAY DIGPAUL

ORDER

22.07.2025

%

1. The present 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. 404/2023, dated 26.10.2023, registered at Police Station - Badarpur, Delhi, for the offences punishable under Sections 498A/406/34 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 got solemnized on 05.03.2018 at New Delhi, according to Hindu rites and ceremonies. However, due to differences between them, shortly after their marriage, they started living separately. They are succeeded by two sons. Petitioners no. 2 to 4 are the family members of the petitioner no. 1.



3. Despite several efforts of reconciliation, both the parties could not settle their differences pursuant to which respondent no. 2 filed a criminal complaint against the petitioners which was converted into FIR no. 404/2023.

4. However, at this stage, with the intervention of family members and relatives, both the parties have entered into a settlement on 01.02.2024 before the Saket Family Court, Reconciliation Cell. The terms and conditions of the said settlement are mentioned in the settlement deed which is annexed as Annexure P-3 to the petition.

5. Further, in terms of the said settlement, it has been agreed among the parties that the petitioner no. 1 shall pay a sum of Rs. 2000/- to the respondent no. 2 as her pocket money, while also agreeing to bear all household, medical, and educational expenses. Respondent no.2 has agreed to withdraw all pending cases, including the domestic violence case pending before Family Court, Saket. The parties have agreed to live together henceforth, with effect from 04.02.2024.

6. It is, thus, prayed that the instant FIR be quashed on the basis of settlement dated 01.02.2024.

7. Learned APP for the State 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.

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 IO, Police Station Badarpur, Delhi. Respondent no.2 is also present in the Court and has been identified by her counsel and the IO.



10. On a query being 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, and that they wish to live together.

11. 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.

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 does not have a serious impact on the 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 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.

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 disputes amicably with the petitioners by her own free will without any pressure or coercion. Parties have agreed to abide by the terms of settlement. 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.

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 bearing No. 404/2023, dated 26.10.2023, registered at Police Station – Badarpur, New Delhi, for the offences punishable under Sections 498A/406/34 of the IPC and all the consequential proceedings emanating therefrom stand quashed.

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

AJAY DIGPAUL, J

JULY 22, 2025
sk