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

+ CRL.M.C. 4906/2025

HAMENT & ORS.

.....Petitioners

Through: Mr. Manoj K. Sharma, Adv.

versus

STATE OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Satish Kumar, APP for the State
with SI Hemant and SI Anita, PS Janak Puri
Metro.

Mr. Sourabh Mahla, Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE AJAY DIGPAUL

ORDER

24.07.2025

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1. The present petition under Section 482 Cr.P.C. read with 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 No. 318/2019, dated 31.07.2019, registered at Police Station - Baba Haridas Nagar, Delhi, for 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 17.03.2013 at New Delhi, according to Hindu rites and rituals. Two children, one son and one daughter were born from the wedlock and are currently in the custody of their father.



However, due to differences between them, they started living separately from 20.02.2018.

3. Despite several efforts at reconciliation, both the parties could not settle their differences, pursuant to which respondent no. 2 filed a criminal complaint against the petitioners which was registered as FIR no. 318/2019.

4. However, at this stage, with the intervention of family members and relatives, both the parties have made a joint statement on 30.10.2024 before the Family Court, Sonipat. The terms and conditions of the said joint statement are mentioned in Annexure A-2 to the present petition.

5. Further, in terms of the said settlement, it has been agreed among the parties that the petitioner no. 1 has paid a sum of Rs. 16,00,000/- at the time of recording of statements in the second motion petition, 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.

6. It was also agreed that all cases, including those which were registered under the Domestic Violence Act, and under Section 125 of the Code of Criminal procedure, but excluding the FIR, shall be withdrawn as per the terms and conditions of the joint statement recorded.

7. It is thus prayed that the instant FIR be quashed on the basis of joint statement dated 30.10.2024.

8. 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.

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

11. The instant criminal proceedings concern non-compoundable offences which are private in nature and do not have a serious impact on society, especially where there is a settlement/compromise between the victim and the accused.

12. In such cases, it is settled law that the 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 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 conferred 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 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 upon being queried, has categorically stated that she entered into the compromise and settled the entire dispute 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 the petitioners have been bad towards her after the compromise. As per the joint statement, respondent no. 2 has received the entire settlement amount.

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. 318/2019 dated 31.07.2019, registered at Police Station – Baba Haridas Nagar, New Delhi, for the offences punishable under Sections 498A/406/34 IPC and all consequential proceedings emanating therefrom are quashed.

17. It is clarified that the children, after attaining the age of majority, will be entitled to assert their rights with respect to ancestral property and their father's property in accordance with law.

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

AJAY DIGPAUL, J

JULY 24, 2025

Sk/av