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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 5081/2025 & CRL.M.A. 21991/2025
RAJ KAPUR MEENA & ORS.Petitioners
Through: Mr. H.S. Yadav, Adv.

versus

THE STATE NCT OF DELHI & ANR.Respondents
Through: Mr. Satish Kumar, APP for the State
on behalf of Ms. Meenakshi Dahiya.
WSI Jyoti Yadav, PS Sector 23, Dwarka
Mr. Neeraj, Adv. for R-2.

CORAM:
HON'BLE MR. JUSTICE AJAY DIGPAUL

ORDER

% **30.07.2025**

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 No. 48/2021, dated 17.02.2021, registered at Police Station – Sector 23, Dwarka, 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 25.02.2015 at New Delhi, according to Hindu rites and ceremonies. However, due to differences between them, they started living separately in 2019. They are succeeded by one son. Petitioners no. 2 to 4 are the family members of the petitioner no. 1.



3. Due to these differences, respondent no. 2 filed a criminal complaint against the petitioners which was converted into FIR No. 48/2021.
4. However, by 28.02.2022, respondent no.2 settled her disputes with the petitioners and began residing at her marital home.
5. With the intervention of family members and relatives, both the parties have entered into a settlement on 17.05.2025. The terms and conditions of the said settlement are mentioned in the Memorandum of Understanding which is annexed as Annexure P/2 to the petition.
6. Further, in terms of the said settlement, Respondent no.2 has agreed to to the quashing of FIR 28/2021 registered at PS Sector 23, Dwarka.
7. It is, thus, prayed that the instant FIR be quashed on the basis of MoU dated 17.05.2025.
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. It is jointly submitted that the petitioner no. 1 and respondent no. 2 are currently living together.
11. The petitioners are present before this Court and have been identified by their counsel and by the IO, Police Station Sector 23, Dwarka. Respondent no.2 is also present in the Court and has been identified by her counsel and by the IO.
12. The instant criminal proceedings in respect of non-compoundable offences are private in nature and do not have a serious impact on society especially when there is a settlement/compromise between victim and accused.



13. 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 the complainant's own free will and has not been imposed upon her by the petitioner or any person related to him.

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 do not have a serious impact on 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 consciousness of 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 a compromise and has settled the entire dispute amicably with the petitioners by her own free will and in the absence of 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. 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. 48/2021, dated 17.02.2021, registered at Police Station – Sector 23, Dwarka, for the offences punishable under Sections 498A/406/34 of the IPC, and all consequential proceedings emanating therefrom, stand quashed.

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

AJAY DIGPAUL, J

JULY 30, 2025/AS/av