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

+ CRL.M.C. 5128/2025 & CRL.M.A. 22185/2025

VIKAS SAXENA

.....Petitioner

Through: Mr. Ayub Khan, Adv. with the  
petitioner in person.

versus

THE STATE GOVT. OF NCT OF DELHI

.....Respondent

Through: Mr. Satish Kumar, APP for State with  
SI Roshan Lal PS Sunlight Colony with the  
complainant in person.

**CORAM:**

**HON'BLE MR. JUSTICE AJAY DIGPAUL**

**ORDER**

**31.07.2025**

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1. The instant petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter "BNSS") [earlier Section 482 of the Code of Criminal Procedure, 1973 (hereinafter "CrPC")] has been filed on behalf of the petitioner praying for quashing of FIR bearing No. 479/2016 dated 02.11.2016 registered at PS Sunlight Colony, for the offences punishable under Sections 498A/406/506/34 of IPC.
2. The brief facts of the case are that the marriage between petitioner and respondent no.2 got solemnized on 14.02.2011 at Delhi, according to Hindu rites and ceremonies. However, due to some temperamental differences between them, shortly after their marriage, they started living separately. No child was born out of the said wedlock.



3. Despite several efforts of reconciliation, both the parties could not settle their differences pursuant to which FIR no. 479/2016 was lodged by respondent no. 2.
4. However, at this stage, with the intervention of family members and relatives, both the parties have entered into a settlement on 25.01.2025 before the Mediation Centre, Saket Courts, New Delhi. The terms and conditions of the said settlement are mentioned in the settlement agreement which is annexed as Annexure C to the petition.
5. In pursuance of the said settlement, it is agreed between parties that they have already taken divorce from each other by way of divorce decree passed by the learned Family Court.
6. It has also been agreed between the parties they shall withdraw all the pending cases filed before various courts. It is, thus, prayed that the instant FIR be quashed on the basis of the abovesaid settlement agreement.
7. Learned APP for the State submitted that there is no opposition to the prayer made on behalf of the petitioner 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 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.
10. 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.



11. 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.

12. 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.

13. The petitioner is present before this Court physically and has been identified by their counsel and the Investigating Officer SI Roshan Lal, PS Sunlight Colony. Respondent no. 2 is also present in the Court and has been identified by her counsel and the Investigating Officer.

14. 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.



**15.** 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, quashing of FIR bearing No. 479/2016 dated 02.11.2016 registered at PS Sunlight Colony, Delhi, for the offences punishable under Sections 498A/406/506/34 IPC and all the consequential proceedings emanating therefrom are quashed.

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

**AJAY DIGPAUL, J**

**JULY 31, 2025**

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