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

+ **CRL.M.C. 5439/2025**

MOHD IRFAN AND ORS

.....Petitioners

Through: Mr. Kunwar Mohd Rafi, Adv. with all
the petitioners in person.

versus

STATE OF NCT OF DELHI AND ANR

.....Respondents

Through: Mr. Raj Kumar, APP for the State
with ASI Manoj
Mr. Pramod Singh, Adv. for R-2 with R-2 in
person.

CORAM:

HON'BLE MR. JUSTICE AJAY DIGPAUL

ORDER

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11.08.2025

CRL.M.A. 23336/2025 (Exemption)

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

CRL.M.C. 5439/2025

3. 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 petitioners praying for quashing of FIR No. 647/2023, registered at Police Station, Dayalpur, Delhi for the offences punishable under Sections 498A/406/34 of the Indian Penal Code, 1860 (hereinafter "IPC").



4. The brief facts of the case are that the marriage between petitioner no. 1 and respondent no. 2 got solemnized on 04.12.2022 at Rajasthan, according to Muslim rites and ceremonies. However, due to some temperamental differences between them, shortly after their marriage, they started living separately. No child was born from the said wedlock.

5. Despite several efforts of reconciliation, both the parties could not settle their differences pursuant to which respondent no. 2 got FIR no. 647/2023 registered on 04.10.2023.

6. However, at this stage, with the intervention of family members and relatives, both the parties have entered into a settlement on 16.08.2024 before Principal Counsellor, Family Court, North East District, Karkardooma, Delhi. The terms and conditions of the said settlement are mentioned in the settlement which is annexed as Annexure-P-3 to the petition. In pursuance of the said settlement, the parties have jointly agreed that they shall move for divorce as provided according to Muslim law/Shariat law and accordingly, a divorce decree dated 04.11.2024 was passed by the Court concerned.

7. 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 for a sum of Rs. 4,00,000/- and all disputes of any nature whatsoever, out of which the remaining amount of Rs. 1,00,000/- was agreed to be paid at the time of quashing of the FIR.

8. At this juncture, petitioner no. 1 has handed over a Demand Draft bearing No. 004403 for the balance amount of Rs. 1,00,000/- dated



28.05.2025 in the name of respondent no. 2 today in the Court. The respondent no. 2 has verified the particulars of the Demand Draft to her satisfaction and stated them to be correct.

9. It is, thus, prayed that the instant FIR be quashed on the basis of settlement agreement dated 16.08.2024.

10. Learned APP for the State submitted 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.

11. Heard learned counsel for the parties and perused the record.

12. The petitioners are present before this Court and have been identified by their counsel and the Investigating Officer, Police Station Dayalpur, Delhi. Respondent no. 2 is also present in the Court and has been identified by her counsel and the Investigating Officer.

13. 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.

14. 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.

15. 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.

16. 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

17. 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. 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, she submitted that she has no objection to the present FIR being quashed.

18. 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. 647/2023, registered at Police Station, Dayalpur, Delhi for the offences punishable under Sections 498A/406/34 of the IPC and all the consequential proceedings emanating therefrom are quashed.



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

AJAY DIGPAUL, J

AUGUST 11, 2025/AS/yr