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

+ **CRL.M.C. 5622/2025**

**MOHD. NOOR AZAM AND ORS.**

.....Petitioners

Through: Mr. Abhay Anand and Mr. B.K. Jha,  
Advs. with along with petitioners

versus

**STATE GOVT. OF NCT OF DELHI**

.....Respondent

Through: Mr. Satish Kumar, APP for State with  
SI Ali Akram, PS Wazirabad  
Mr. Ishan Jayant Tiwari and Mr. Himanshu Gupta,  
Advs. for R-2 (Through VC) along with the  
respondent no. 2 in person

**CORAM:**

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

**ORDER**

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**14.08.2025**

**CRL.M.A. 24086/2025**

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

**CRL.M.C. 5622/2025**

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 bearing No. 180/2021,



registered at Police Station, Wazirabad, for 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 17.03.2019 at Delhi, 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 efforts of reconciliation, both the parties could not settle their differences, pursuant to which respondent no. 2 got FIR no. 180/2021 registered.

6. However, at this stage, with the intervention of family members and relatives, both the parties have entered into a settlement before Delhi Medication Centre, Tis Hazari Courts. The terms and conditions of the said settlement are mentioned in the Settlement Agreement dated 29.04.2024 which is annexed as Annexure-P-4 to the petition. In pursuance of the said settlement, a divorce decree dated 14.05.2025 was passed by the concerned Court.

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, permanent alimony, iddat and mehar, with the petitioners for a sum of ₹ 3,50,000/- and all disputes of any nature whatsoever, out of which the remaining amount of ₹ 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. 783135 dated 18/07/2025 for the balance amount of ₹ 1,00,000/-



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 29.04.2024.

10. Learned APP for the State, who appears on advance notice, accepts notice and 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.

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, Mr. Abhay Anand, and the Investigating Officer SI Ali Akram, Police Station Wazirabad. Respondent no. 2 is also present in the Court and has been identified by her counsel, Mr. Ishan Jayant Tiwari, and the Investigating Officer.

13. The instant criminal proceedings concern non-compoundable offences which are private in nature and do not have a serious impact on society, especially considering that 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 the complainant/victim on account of 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 do not have a serious impact on 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 consciousness of 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 the compromise and settled the entire disputes amicably with the petitioners on 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 bearing No. 180/2021, registered at Police Station, Wazirabad for the offences punishable under Sections 498A/406/34



of the IPC, and all consequential proceedings emanating therefrom, stand quashed.

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

**AJAY DIGPAUL, J**

**AUGUST 14, 2025**

**gs/av**