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

+ CRL.M.C. 5634/2025 & CRL.M.A. 24157/2025

MUKESH & ORS.

.....Petitioners

Through: Mr. Rakesh Kumar, Adv. with all
petitioners

versus

STATE OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Satish Kumar, APP for the State
with SI Naresh Kumar, PS Bhalswa Dairy
R-2 in person

CORAM:

HON'BLE MR. JUSTICE AJAY DIGPAUL

ORDER

18.08.2025

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1. The instant petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter "BNSS") has been filed on behalf of the petitioners praying for quashing of FIR bearing No. 236/2018, registered at Police Station - Bhalswa Dairy for the offences punishable under Sections 498A/406/34 of the Indian Penal Code, 1860 (hereinafter "IPC").

2. Learned counsel appearing on behalf of the petitioners submitted that the marriage between petitioner no. 1 and respondent no. 2 got solemnized on 19.05.2012, according to Hindu rites and ceremonies. However, due to some temperamental differences between them, shortly after their marriage, they started living separately. Four children were born out from the said wedlock.



3. Despite several efforts of reconciliation, both the parties could not settle their differences pursuant to which respondent no. 2 got FIR no. 236/2018 registered.
4. However, at this stage, with the intervention of family members and relatives, both the parties have entered into a settlement on 03.09.2024 and a Memorandum of Understanding (MoU) was executed between them. The terms and conditions of the said settlement are mentioned in the Compromise Deed which is annexed as Annexure P-3 to the petition. In pursuance of the said compromise deed, the parties have amicably settled the matter and have agreed to live together.
5. It is, thus, prayed that the instant FIR be quashed on the basis of compromise deed dated 03.09.2024.
6. 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.
7. Heard learned counsel for the parties and perused the record.
8. 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.
9. 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.



10. 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.

11. 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.

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

13. 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. Further, she has submitted that she



has no objection to the present FIR being quashed as the parties are now residing together.

14. 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. 236/2018, registered at Police Station - Bhalswa Dairy for the offences punishable under Sections 498A/406/34 of the IPC and all the consequential proceedings emanating therefrom are quashed.

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

AJAY DIGPAUL, J

AUGUST 18, 2025/ar/ryp