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

+ CRL.M.C. 5691/2025 & CRL.M.A. 24364/2025

MS SARASWATI ALIS USHA & ORS.Petitioners

Through: Mr. Saurabh Rajput, Adv.

versus

THE STATE NCT OF DELHI & ORS.Respondents

Through: Ms. Meenakshi Dahiya, APP for State
with SI Pradeep, PS Prem Nagar.

Mr. Yudhisther Kumar, Adv. for R-2 and R-3.

CORAM:

HON'BLE MR. JUSTICE AJAY DIGPAUL

ORDER

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19.08.2025

1. The instant petition Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter 'BNSS') has been filed by the petitioners praying for quashing of FIR 81/2023, registered at Police Station Prem Nagar on 31.01.2023, for offences punishable under Sections 323/341/354/354(B)/34 of the Indian Penal Code, 1860 (hereinafter "IPC").

2. Petitioner no.1 and respondent no.2 solemnized their marriage on 12.07.2013 as per Hindu rites and ceremonies and are succeeded by one minor son. Shortly thereafter, in the year 2016, they began residing separately due to differences that arose between them. Owing to these differences, petitioner no.1 registered a complaint against respondent no.2 and his family, resulting in the registration of FIR no. 816/2016 dated 08.08.2016 at P.S Aman Vihar, Delhi, for offences punishable under Sections 498A/406/34 of the IPC and Section 4 of the Dowry Prohibition Act.

3. Thereafter, the FIR sought to be quashed by the present petition, was



filed by respondent no.2 as an offshoot of existing matrimonial discord and as a counterblast to FIR no. 816/2016.

4. It is submitted that during the pendency of the aforesaid cases, the petitioners and respondents have now settled all their disputes amicably and are now moving forward towards a peaceful and harmonious future, as evident through settlement agreement dated 24.02.2024 which has been placed on record as Annexure C.

5. As per the settlement, the parties consented to a divorce and a payment of a total sum of ₹3,20,000/- to petitioner no.1 as full and final settlement of all her claims arising out of their marriage. It is submitted that this amount stands paid in full. Parties also abided by the terms of their settlement and stand divorced *vide* divorce decree dated 29.08.2024.

6. 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.

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

8. The petitioners are present before this Court and have been identified by their counsel and the Investigating Officer, Police Station Prem Nagar. Respondents no. 2 & 3 are also present in person along with their counsel and have been identified by their counsel and the Investigating Officer.

9. The instant criminal proceedings in respect of non-compoundable offences 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.

10. In such cases, it is settled law that High Court is also required to consider the conduct and antecedents of the accused to ascertain that the



settlement has been entered into by the victim of her own free will and has not been imposed upon her by the petitioner or any person related to him.

11. On a query made by this Court, respondents no. 2 & 3 have categorically stated that they entered this compromise of their own free will and without any pressure. It is also stated by them that the entire dispute has been amicably settled between the parties. Further, parties have undertaken to abide by the terms of the compromise.

12. Keeping in view the fact that the matter stands settled between the petitioners and respondents no. 2 & 3 amicably and without any pressure, no fruitful purpose would be served by keeping the matter pending.

13. 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 Courts to quash 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.

14. 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.



15. In light of the law laid down by the Hon'ble Supreme Court as well as the settlement agreement on record, FIR no. 81/2023 and all proceedings emanating therefrom stand quashed.
16. The petition, along with pending applications, if any, stands disposed of.

AJAY DIGPAUL, J

AUGUST 19, 2025/Sk/av