



\$~65

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

+ **CRL.M.C. 5767/2025**

VISHWAJEET KUMAR AND ORS

.....Petitioners

Through: Mr. Sidharath Kapoor, Adv. with
petitioners in person

versus

THE STATE OF NCT OF DELHI AND ANR

.....Respondents

Through: Mr. Satish Kumar, APP for State with
Insp. Manoj Kumar and IO/ASI Dharendra Kumar
Ms. Heena Gupta, Adv. for R-2 along with
respondent no. 2 in person

CORAM:

HON'BLE MR. JUSTICE AJAY DIGPAUL

ORDER

21.08.2025

%

CRL.M.A. 24695/2025

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

CRL.M.C. 5767/2025

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 petitioners praying for quashing of FIR No. 27/2022, registered at Police Station, Shalimar Bagh, Delhi for the offences punishable under Sections 498A/406/34 of the Indian Penal Code, 1860 (hereinafter "IPC")



2. The brief facts of the case are that the marriage between petitioner no. 1 and respondent no. 2 got solemnized on 04.03.2017 at Ghaziabad, U.P. according to Hindu rites and ceremonies. However, due to some temperamental differences between them, shortly after their marriage, they started living separately. Two children were born out of 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. 27/2022 registered.
4. However, at this stage, with the intervention of family members and relatives, both the parties have entered into a settlement on 15.10.2022 and are happily residing with each other.
5. It is, thus, prayed that the instant FIR be quashed on the basis that the parties have settled the matter and are now happily residing with each other.
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 petitioners are present before this Court and have been identified by their counsel, Mr. Sidharath Kapoor, and the Investigating Officer Insp. Manoj Kumar and IO/ASI Dhirendra Kumar, Police Station Shalimar Bagh. Respondent no. 2 is also present in the Court and has been identified by her counsel, Ms. Heena Gupta 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 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. 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, her affidavit, stating no objection to the instant FIR being quashed, is also on record.

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 No. 27/2022, registered at Police Station, Shalimar Bagh, Delhi 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 21, 2025
gs/yr