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

+ **CRL.M.C. 5841/2025**

ASHISH SAXENA & ORS.

.....Petitioners

Through: Mr. Rahul Bhagat, Adv. with the
petitioners in person

versus

STATE NCT OF DELHI AND ANR

.....Respondents

Through: Mr. Satish Kumar, APP for State
Ms. Saloni Kumar, Adv. for R-2 with the
Ms. Saloni Kumar, Adv. with the Respondent no.
2 (Through VC)

CORAM:

HON'BLE MR. JUSTICE AJAY DIGPAUL

ORDER

11.11.2025

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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 the quashing of FIR No. 99/2021, registered at Police Station – Malviya Nagar, for offences punishable under Sections 498A/406/34 of the Indian Penal Code, 1860 (hereinafter "IPC").
2. The brief facts concerning the present dispute are that the marriage between petitioner no. 1 and respondent no. 2 was solemnized on 16.05.2010, according to Hindu rites and ceremonies. However, due to some temperamental differences between them, shortly after their marriage, they started living separately.



3. Despite efforts of reconciliation, both the parties could not settle their differences, pursuant to which respondent no. 2 got FIR No. 99/2021 registered.

4. However, at this stage, with the intervention of family members and relatives, both the parties have entered a settlement on 23.11.2021 before the concerned Family Court, South Saket, New Delhi. The terms and conditions of the said settlement are mentioned in the Settlement Deed which is annexed as “Annexure P-2” to the petition. In pursuance of the said settlement, the parties have jointly agreed that they shall move for divorce under Section 13B(1) and under Section 13B(2) of the Hindu Marriage Act, 1955 (hereinafter “HMA”) and accordingly, a divorce decree dated 08.12.2022 was passed by the Court concerned.

5. 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, jewellerys, gift items and claims of past, present and future maintenance and permanent alimony with the petitioners and all disputes of any nature whatsoever. Petitioner no. 1 has undertaken to transfer his 50% share in property bearing No. 36-C, Pocket-L, Seikh Sarai, Phase-II, Delhi in favour of respondent no. 2 through a registered gift/transfer deed after clearing all dues and loan liabilities by 07.12.2021. Respondent no. 2 shall thereafter become the sole owner of the said property and receive rent from 01.12.2021 onwards.

6. It is, thus, prayed that the instant FIR be quashed on the basis of Settlement Deed dated 23.11.2021.

7. 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.

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

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

10. The instant criminal proceedings concern non-compoundable offences that are private in nature and do not have a serious impact on society, especially considering that there is a settlement/compromise between the victim and the accused.

11. 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 petitioners or any person related to them.

12. 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 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.

13. 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 is satisfied that the nature of the offence does not impact the conscience of society, and that the compromise between the parties is voluntary and amicable.

14. 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 entirety of disputes with the petitioners amicably and of 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 entering into this compromise. Further, she submits that she has no objection to the present FIR being quashed.

15. 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. 99/2021, registered at Police Station Malviya Nagar, for offences punishable under Sections 498A/406/34 of the IPC, and all consequential proceedings emanating therefrom stand quashed *qua* the present petitioners.

16. Children from the wedlock, if any, are free to assert their rights in accordance with law.

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

NOVEMBER 11, 2025

Sk/yr

AJAY DIGPAUL, J