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

+ **W.P.(CRL) 2894/2025**

SABIR & ORS.

.....Petitioners

Through: Mr. Mohd. Imran, Adv. along with
petitioners in person

versus

THE STATE NCT OF DELHI

.....Respondent

Through: Mr. Sanjay Lao, SC for State with SI
Rajiv Kumar and ASI Hira Lal, PS Dayalpur,
Delhi

Mr. Z.R Shamsi, Adv. for R-2 along with the
petitioners in person

CORAM:

HON'BLE MR. JUSTICE AJAY DIGPAUL

ORDER

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10.09.2025

CRL.M.A. 27010/2025

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

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3. The instant petition under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter "BNSS") has been filed on behalf of the petitioners praying for the quashing of FIR bearing no. 405/2019, registered at Police Station –



Dayalpur, Delhi for the offences punishable under Sections 498A/406/34 of the Indian Penal Code, 1860 (hereinafter “IPC”).

4. The brief facts concerning the present dispute are that the marriage between petitioner no. 1 and respondent no.2 was solemnized on 13.11.2013, according to Muslim rites and ceremonies. However, due to some temperamental differences between them, shortly after their marriage, they started living separately. Two children were 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. 405/2019 registered.

6. However, at this stage, with the intervention of family members and relatives, both the parties have entered a settlement on 11.09.2023 and 25.08.2025. The terms and conditions of the said settlement are mentioned in the Settlement Deed which is annexed as “Annexure P-4” to the petition.

7. Learned counsel for the petitioners and respondent no. 2, on instructions, submits that they have started living together as husband and wife.

8. It is, thus, prayed that the instant FIR may be quashed on the basis of settlement arrived at between the parties on 11.09.2023 and 25.08.2025.

9. Heard. Issue Notice.

10. Learned SC 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 all the parties and perused the record.



12. 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.

13. 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.

14. 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.

15. 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.

16. The petitioners are present before this Court and have been identified by their counsel and the Investigating Officer, Police Station Dayalpur,



Delhi. Respondent no. 2 is also present in the Court and has been identified by her counsel and the concerned Investigating Officer.

17. In the present case, the complainant/respondent no. 2 is present in Court. She 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. Further, as per the terms of the settlement, both husband and wife have started living together. 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.

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. 405/2019, registered at Police Station – Dayalpur, Delhi for offences punishable under Sections 498A/406/34 of the IPC, and all the consequential proceedings emanating therefrom stand quashed.

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

AJAY DIGPAUL, J

SEPTEMBER 10, 2025

gs/ryp