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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CRL.M.C. 6504/2025 & CRL.M.A. 27395/2025

MOHD. SIKANDER

.....Petitioner

Through: Mr. Neeraj Kumar Shah and
Mr. Amit Kumar Singh, Advs. with petitioner in
person.

versus

THE STATE GOVT. OF NCT OF DELHI

.....Respondent

Through: Mr. Satish Kumar, APP for State with
SI Ashok

Mr. Himanshu Sharma and Mr. Rajesh Kumar
Gautam, Advs. for complainant with complainant
in person

CORAM:

HON'BLE MR. JUSTICE AJAY DIGPAUL

ORDER

12.09.2025

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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 petitioner praying for the quashing of FIR No. 863/2020, registered at Police Station – Nihal Vihar, 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 and respondent no. 2 was solemnized on 12.09.2017, according to Muslim rites and customs.
3. Temperamental differences arose between the parties thereafter. Despite efforts at reconciliation, both the parties could not settle their differences, pursuant to which respondent no. 2 got FIR No. 863/2020



registered. It is also pointed out that a chargesheet has also been filed in the matter.

4. However, at this stage, with the intervention of family members and relatives, both the parties have entered a settlement on 31.07.2025 before the Delhi Mediation Centre, Tis Hazari Courts, Delhi. The terms and conditions of the said settlement are mentioned in the Mediation Settlement which is annexed as “Annexure C” to the petition. In pursuance of the said settlement, the parties have jointly agreed that they shall move for divorce as per Muslim Law/Sharia Law and accordingly, a divorce decree dated 02.08.2025 was passed.

5. Learned counsel appearing on behalf of the petitioner submitted that respondent no. 2 has settled all her claims in respect of her dowry articles, *mehar*, *iddat*, *karcha-e-pandan*, jewellery items, dowry items, *stridhan* and claims of past, present and future maintenance and permanent alimony with the petitioner and all disputes of any nature whatsoever for a sum of ₹2,90,000/-, out of which a remaining amount of ₹1,90,000/- was agreed to be paid at the time of quashing of the FIR.

6. At this juncture, the petitioner has handed over a Demand Draft bearing No. 329954 dated 25.07.2025 for the balance amount of ₹1,90,000/- in the name of respondent no. 2 today in the Court. Respondent no. 2 has verified the particulars of the Demand Draft to her satisfaction and stated them to be correct.

7. It is, thus, prayed that the instant FIR be quashed on the basis of Mediation Settlement dated 31.07.2025.

8. 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 petitioner seeking quashing of the FIR in question in view of the settlement arrived at between the parties.

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

10. The petitioner is present before this Court and has been identified by his counsel and the Investigating Officer, Police Station – Nihal Vihar. Respondent no. 2 is also present in the Court and has been identified by her counsel and the concerned Investigating Officer.

11. 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.

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

13. In the case of *State of Madhya Pradesh v. 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.

14. Furthermore, it was observed by the Hon'ble Supreme Court in the case of *Ramgopal and Ors. v. 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.

15. 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 petitioner 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 petitioner has been bad towards her after entering into this settlement. As per the Mediation Settlement, respondent no. 2 has received the entire settled amount. Further, she submits that she has no objection to the present FIR being quashed.

16. 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. 863/2020, registered at Police Station – Nihal Vihar, for offences punishable under Sections 498A/406/34 of the IPC, and all consequential proceedings emanating therefrom stand quashed *qua* the present petitioner.

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

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

AJAY DIGPAUL, J

SEPTEMBER 12, 2025/AS/yr