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

+ **W.P.(CRL) 3166/2025 & CRL.M.A. 29037/2025**

KUNWAR KAUSHIK & ORS.

.....Petitioners

Through: Mr. Ghanshyam Yadav, Mr. Parveen Malik and Mr. Vipin Kr Mishra, Advs. with the petitioners in person.

versus

STATE NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Sanjay Lao, Standing Counsel with IO-SI Suman and SI Kishan Chand, Dwarka South

Mr. Anshul Vats and Mr. Mukul, Advs. for R-2 with R-2 in person with the respondent no. 2 in person.

CORAM:

HON'BLE MR. JUSTICE AJAY DIGPAUL

ORDER

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25.09.2025

1. The instant petition under Article 226 of the Constitution 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. 264/2024, registered at Police Station Dwarka South, 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 02.12.2015, 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. 264/2024 registered.

4. However, at this stage, with the intervention of family members and relatives, both the parties have entered a settlement on 12.09.2024 before the concerned Mediation Centre, Dwarka Courts. 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 27.05.2025 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 for a sum of ₹ 35,00,000/-, out of which a remaining amount of ₹5,00,000/- was agreed to be paid at the time of quashing of the FIR.

6. At this juncture, petitioner no. 1 has handed over two Demand Drafts bearing No. 637708 dated 08.09.2025 for the amount of ₹3,50,000/- and bearing No. 002878 dated 16.09.2025 for the in the amount of ₹1,50,000/- 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 Settlement Deed.

8. Heard. Issue notice.

9. 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.

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

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 by her own free will and has not been imposed upon her by the petitioners or any person related to them.

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

16. 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.

17. 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. 264/2024, registered at Police Station Dwarka South, for offences punishable under Sections 498A/406/34 of the IPC, and all consequential proceedings emanating therefrom stand quashed *qua* the present petitioners.



18. Children from the wedlock, if any, are free to assert their rights in accordance with law.
19. The petition, along-with pending application(s), if any, stands disposed of.

AJAY DIGPAUL, J

SEPTEMBER 25, 2025

Sk/ryp