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

+ **CRL.M.C. 8356/2025**

ROHIT

.....Petitioner

Through: Mr. Aman Panwar, Adv. (through
VC)

Petitioner in person

versus

**STATE THROUGH SHO MAIDAN GARHI
& ANR.**

.....Respondents

Through: Mr. Satish Kumar, APP for State with
Ms. Upasna Bakshi and Mr. Ashish Mahani, Advs.
SI Satbir, PS Maidan Garhi
Mr. Nitin Saluja, Adv. for R-2 along with R-2

CORAM:

HON'BLE MR. JUSTICE AJAY DIGPAUL

ORDER

% **24.11.2025**

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 petitioner praying for the quashing of FIR bearing no. 40/2020, registered at Police Station – Maidan Garhi, for the 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 03.11.2017, 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. 40/2020 registered.

4. However, with the intervention of family members and relatives, both the parties have compromised their disputes on 17.05.2025 before the learned Judicial Magistrate First Class-03, Mahila Court, South District, Saket Courts, Delhi and are now living together as husband and wife. The copy of order dated 17.05.2025 passed by learned JMFC-03, Mahila Court, South District, Saket Courts is annexed at “Annexure P-2” to the petition.

5. It is, thus, prayed that the instant FIR be quashed.

6. Heard. Issue notice.

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 petitioner 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 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.

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 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.

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 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.

13. The petitioner is present before this Court and has been identified by his counsel and the Investigating Officer, Police Station Maidan Garhi. Respondent no. 2 is also present in the Court and has been identified by the counsel and the concerned Investigating Officer.

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 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 the petitioner has been bad towards her after entering into this compromise. Further, she submits



that she has no objection to the present FIR being quashed as she is now residing with petitioner no. 1 and does not wish to pursue the instant FIR any further as she is now focusing on her married life.

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. 40/2020, registered at Police Station – Maidan Garhi, for the offences punishable under Sections 498A/406/34 of the IPC, and all consequential proceedings emanating therefrom stand quashed *qua* the present petitioner.

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

AJAY DIGPAUL, J

NOVEMBER 24, 2025/ar/ryp