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

+ **W.P.(CRL) 3885/2025**

SH. ROSHAN LAL

.....Petitioner

Through: Mr. M.S. Khan, Mr. M. Arshyan, Mr.
Akbar Kaleem and Ms. Shaziya, Advocates

Versus

STATE NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Sanjay Lao, Standing Counsel
with SI Kiran Yadav, PS-DBG Road

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

26.11.2025

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The matter is taken up today as 25.11.2025 was declared as holiday on account of Guru Teg Bahadur's Martyrdom Day.

CRL.M.A. 35068/2025

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

W.P.(CRL) 3885/2025

3. The present petition has been filed on behalf of the petitioner under Article 226 of the Constitution of India read with Section 528 of BNSS seeking quashing of FIR No. 189/2024 under sections 376/377/328/506 IPC registered at D.B.G Road and all consequential proceedings emanating therefrom, on the ground that the parties have arrived at a settlement.
4. Issue notice. Mr. Sanjay Lao, learned Standing Counsel for the State accepts notice.
5. The petitioner, as well as, respondent no. 2, who are present in Court,



have been identified by Mr. M.S. Khan, learned counsel for the petitioner, as well as, by the Investigating Officer, SI Kiran Yadav, PS-DBG Road.

6. The brief facts of the case are that marriage between son of the petitioner and respondent no. 2 was solemnized on 18.04.2017 according to Hindu Rites and Customs. However, on account of some temperamental issues certain disputes arose between the son of petitioner and his family members with respondent no.2. It is also the case of the prosecution that a complaint of mental and physical harassment at the hands of petitioner was lodged by the complainant, which led to the registration of present FIR.

7. During pendency of the proceedings, the parties have amicably resolved their disputes and arrived at a settlement, the terms whereof have been reduced in writing in the memorandum of understanding dated 04.09.2024, which is annexed as Annexure-P2 to the present petition.

8. In terms of the said settlement, son of petitioner and respondent no.2 decided to dissolve their marriage by filing a petition for divorce by way of mutual consent. Accordingly, son of petitioner and respondent no.2 have obtained a decree of divorce dated 19.11.2024.

9. It is also a term of the settlement between the parties that the petitioner and his family members shall pay a total sum of Rs.6,00,000/- to respondent no.2 towards full and final settlement. Out of the said amount, a sum of Rs.4,00,000/- has already been paid by the petitioner to respondent no.2 in the manner as mentioned in the settlement. The remaining amount of Rs.2,00,000/- is paid today electronically by way of RTGS bearing transaction ID No. NRTGS/BKIDR52025 112600521052/ROS.

10. On a query posed by the Court, the respondent no.2 states she has settled the matter with the petitioner. She submits that she does not wish to



prosecute the criminal proceedings any further and she has no objection in case the FIR in question is quashed.

11. Insofar as the offence under Section 377 as alleged in the FIR is concerned, a co-ordinate Bench of this Court in '**Rifakat Ali & Ors Vs. State & Anr.**' [CRL.M.C. No. 599/2021, decided on 26.02.2021] after referring to three decisions of the Hon'ble Supreme Court has taken a view that an FIR under Section 377 IPC, though a heinous offence can be quashed if the same is invoked in a matrimonial dispute where the parties have decided to part ways and move ahead in their lives without acrimony against each other. The power under Section 482 Cr.P.C. can be exercised even for an offence under Section 377 IPC on the ground that the dispute is private in nature. The material part of the said decision reads as under:-

"....10. A perusal of the three judgments which shows that the Supreme Court has consistently held that the power under Section 482 CrPC should not be used for quashing heinous and serious offences of mental depravity or offences like murder, rape, dacoity etc. since these offences are not private in nature and have a serious impact in society. An offence under Section 377 IPC is a heinous offence and points to the mental depravity of the accused and hence ought not to be quashed by the High Court on the basis of compromise by exercising its jurisdiction under Section 482 CrPC.

11. The present case arises out of matrimonial dispute and the allegation has been made by the wife against the husband. The parties have decided to part ways and get ahead in their lives without having any acrimony against each other. In the facts and circumstances of the case, this Court is inclined to exercise its powers under Section 482 CrPC even for an offence under Section 377 IPC on the ground that the dispute is private in nature.



12. The learned counsel for the petitioners has placed reliance on orders of this Court in CRL.M.C.830/2019 titled as Dinesh Kumar & Ors. v. State & Anr., CRL.M.C.1613/2019 titled as Anmol Katyal & Ors. v. State (NCT of Delhi) & Anr., CRL.M.C. 5216/2018 titled as Gajender Singh & Ors. v. State (NCT of Delhi) & Ors. and CRL.M.C. 4117/2018 titled as Joginder Singh Bote & Ors. v. NCT of Delhi & Anr. In all these cases wife has levelled allegation of the husband committing an offence under Section 377 IPC. This Court has exercised its jurisdiction under Section 482 CrPC and has quashed the FIRs on the basis of the compromise entered into between the husband and wife.

13. It is made clear that this Court is exercising its powers under Section 482 CrPC to quash an offence of Section 377 IPC on the ground that the parties have compromised the matter with each other only because it arises out of a matrimonial dispute, the allegation has been levelled by wife against her husband of committing an offence under Section 377 IPC and the parties have decided to move ahead in life.”...

12. The reasoning of above decision in **Rifakat Ali** (supra) is equally applicable to the present case in which FIR is registered under Sections 376/377 IPC and the FIR is undisputedly, an off-shoot of a matrimonial discord.

13. In view of the fact that the parties have arrived at a settlement, no useful purpose will be served in continuing the proceedings, rather the same would create further acrimony between them.

14. It is, thus, in the interest of justice that the present FIR and all the other proceedings emanating therefrom be quashed.

15. Consequently, the petition is allowed and the FIR No. 189/2024, under Section U/S 376/377/328/506 of IPC registered at D.B.G Road alongwith all other proceedings emanating therefrom, is quashed.



16. The petition stands disposed of in the above terms.
17. Order be uploaded on the website of this Court.

VIKAS MAHAJAN, J

NOVEMBER 26, 2025/jg