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

+ **CRL.M.C. 9/2025 & CRL.M.A. 73/2025**

MANISH MISHRA & ANR.

.....Petitioners

Through: Mr. Nipun Joshi, Advocate

versus

STATE OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Satish Kumar, APP for State with
SI Mohit, PS Sarojini Nagar

CORAM:

HON'BLE MR. JUSTICE AJAY DIGPAUL

ORDER

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31.07.2025

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 "Cr.P.C.")] has been filed on behalf of the petitioners praying for quashing of FIR bearing No. 399/2021 registered at Police Station – Sarojini Nagar, Delhi, for the offences punishable under Sections 498A/406/34 of the Indian Penal Code, 1860 (hereinafter "IPC").
2. Learned counsel for the petitioner submitted that the marriage between petitioner no. 1 and respondent no.2 got solemnized on 08.12.2020 at Gurugram, Haryana according to Hindu rites and ceremonies. However, due to some temperamental differences between them, shortly after their



marriage, they started living separately. No child was born out of the said wedlock.

3. Despite several efforts of reconciliation, both the parties could not settle their differences pursuant to which respondent no. 2 lodged FIR bearing No. 399/2021 against the petitioners and several other litigations were instituted by the parties against each other.

4. However, at this stage, with the intervention of family members and relatives, both the parties have entered into a settlement on 24.03.2025. The terms and conditions of the settlement *vide* Memorandum of Understanding dated 24.03.2025 (hereinafter “MOU”) are mentioned in the MOU which is annexed as Annexure P-5 to the petition.

5. In terms of the said settlement, the parties have overcome their differences and have now reconciled, and since the last three months, they have been living together as husband and wife on their own free will. It has also been agreed by the parties they shall withdraw all the pending cases against each other. It is, thus, prayed that the instant FIR be quashed on the basis of MOU.

6. Learned APP for the State submitted 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.

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

8. The instant criminal proceedings in respect of non-compoundable offences are private in nature and do not have a serious impact on the society especially when there is a settlement/compromise between victim and accused.



9. 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.

10. 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 the 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 does not have a serious impact on the society.

11. 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 must be satisfied that the nature of the offence does not impact the conscious of the society and that the compromise between the parties is voluntary and amicable.

12. The petitioners are present before this Court and have been identified by their counsel Mr. Nipun Joshi and the Investigating Officer SI Mohit, Police Station Sarojini Nagar, Delhi. Respondent no. 2 is also present in the Court and has been identified by the Investigating Officer.

13. On the query made by this Court, respondent no. 2 has categorically stated that she has entered into compromise on her own free will and without



any pressure. It is also stated by respondent no. 2 that the entire dispute has been amicably settled between the parties. It has been jointly submitted by petitioner no. 1 and respondent no. 2 that they have started living together. Parties also undertook that they shall abide by all the terms and conditions of the settlement arrived at between the parties. There is also no allegation from respondent no.2 that the conduct and antecedents of petitioners have been bad towards her after the compromise.

14. 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.

15. Accordingly, FIR bearing No. 399/2021 registered at Police Station – Sarojini Nagar, Delhi for the offences punishable under Sections 498A/406/34 of the IPC and all the consequential proceedings emanating therefrom are quashed.

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

AJAY DIGPAUL, J

JULY 31, 2025
gs/ryp