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

+ **CRL.M.C. 233/2025**

ANIL KUMAR & ANR.

....Petitioners

Through: Mr. Shahzeb Ahmed, Mr. Shashi Kumar and Mr. Adeel Ahmad Khan, Advocates along with petitioners in person.

versus

STATE OF NCT OF DELHI & ANR.

....Respondents

Through: Mr. Raghuinder Verma, APP for the State with IO in person
Mr. Mohd. Asif, Advocate for R-2 (Through VC) along with R-2 in person.

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

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19.02.2025

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. 239/2019 dated 20th July, 2019 registered at Police Station – Badarpur, Delhi, for offences punishable under Sections 498A/406/34 of the Indian Penal Code, 1860 (hereinafter “IPC”).
2. The Joint Registrar (Judicial) vide order dated 21st January, 2025 has verified the facts and details of the instant matter.
3. The brief facts of the case are that the marriage between the petitioner



no. 1 and respondent no. 2 got solemnized on 6th February, 2013 at Delhi according to Hindu rites and ceremonies but due to some temperamental differences between them, they started living separately since 2023 but now after the intervention of the family members, they are now living together peacefully.

4. Learned counsel appearing on behalf of the petitioners submitted that with the intervention of family members and relatives, both the parties have amicably settled the matter and started living together.

5. Therefore, it is prayed that the instant FIR may be quashed on the basis of above said settlement and in accordance with the settled law on this point as posited by the Hon'ble Supreme Court.

6. Learned APP for the State submitted that there is no objection 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 petitioners are present before this Court through video conferencing and have been identified by their counsel, Mr. Shahzeb Ahmed and Investigating Officer. The respondent no. 2 is also present in the Court through video conferencing and has been identified by the Investigating Officer as well as by her counsel Mr. Mohd. Asif.

9. On the query made by this Court, respondent no.2 has categorically stated that she has settled the matter 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 and started living together, therefore, she does not wish to pursue the aforesaid FIR any further. The parties also undertook that they shall abide the terms and conditions of the settlement



arrived at between the parties.

10. 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. 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.

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 Cr.P.C, 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.

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 Cr.P.C. 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 conscience of the society and that the compromise between the parties is voluntary and amicable.

13. In the present case, the respondent no.2 is present in Court and has categorically stated that she has settled the entire disputes amicably with the petitioners by 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 the compromise. Moreover, the petitioner no. 1 and respondent no. 2 have reconciled and are now living together peacefully.

14. In view of the settlement arrived at between the parties and the law laid down by the Hon'ble Supreme Court alongwith the fact that they are now living together, the present petition is allowed. Accordingly, FIR bearing No. 239/2019 dated – 20th July, 2019 registered at Police Station – Badarpur, Delhi for offences punishable under Sections 498A/406/34 of the IPC and all consequential proceedings emanating therefrom are quashed.

15. The petition alongwith pending applications, if any, stand disposed of.

CHANDRA DHARI SINGH, J

FEBRUARY 19, 2025

Rk/anr/mk

[Click here to check corrigendum, if any](#)