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

+ **CRL.M.C. 633/2025**

IMAMUDDIN & ORS.

.....Petitioners

Through: Mr. Irfan Khan, Advocate (Through
VC) along with the petitioners in
person

versus

STATE (GOVT. OF NCT OF DELHI) AND ANR.Respondents

Through: Mr. Satish Kumar, APP for the State
with SI Ravi Poonia, P. S. Dayalpur

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER
04.02.2025

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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. 167/2021 registered at Police Station – Dayalpur for offences punishable under Sections 498A/406/34 of the Indian Penal Code, 1860 (hereinafter “IPC”) and Sections 3/4 of the Dowry Prohibition Act, 1961.

2. The Joint Registrar (Judicial) vide order dated 30th 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 18th September, 2017



according to Muslim rites and customs at Delhi but due to some temperamental differences between them, the aforesaid FIR was registered against the petitioners at Police Station– Dayalpur, Delhi on 19th April, 2021 and they started living separately but now after the intervention of the family members, they are residing together peacefully. One child was born out of their wedlock.

4. Learned counsel appearing on behalf of the petitioners submitted that with the intervention of family members and relatives, both the parties amicably settled the matter *vide* Memorandum of Understanding dated 19th November, 2024 (MOU). The terms and conditions of the said MOU are mentioned in the MOU which is annexed as Annexure-P-3 to the petition.

5. Therefore, it is prayed that the instant FIR be quashed on the basis of the above said MOU 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 also present before this Court through video conferencing and have been identified by their counsel, Mr. Irfan Khan, Advocate and Investigating Officer SI Ravi Poonia, Police Station Dayalpur. The respondent no. 2 is also present in the Court through video conferencing and has been identified by the Investigating Officer.

9. On the query made by this Court, respondent no.2 has categorically stated that she 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 she does not want to pursue the aforesaid FIR any further. The parties also undertook that they shall abide the terms and conditions of the Settlement Agreement 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 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 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 conscious of the society and that the compromise between the parties is voluntary and amicable.



13. In the present case, the complainant is present in Court and has categorically stated that she has entered into compromise and 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 reconciled and are living together peacefully.

14. In view of the settlement arrived at between the parties, law laid down by the Hon'ble Supreme Court and the fact that they living together, the present petition is allowed. Accordingly, FIR bearing No. 167/2021 registered at Police Station – Dayalpur for offences punishable under Sections 498A/406/34 of the IPC and Sections 3/4 of the Dowry Prohibition Act, 1961 and all consequential proceedings emanating therefrom are quashed.

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

CHANDRA DHARI SINGH, J

FEBRUARY 4, 2025

gs/anr

Click here to check corrigendum, if any