

(2025) 10 DEL CK 1248

In the Delhi High Court

Case No : Criminal Miscellaneous Petition No. 4030 Of 2025

Mohammad Asif

APPELLANT

Vs

State (N.C.T. Of Delhi) & Anr

RESPONDENT

Date of Decision : 08-10-2025

Acts Referred:

Bharatiya Nagarik Suraksha Sanhita, 2023 — Section 528

Code of Criminal Procedure, 1973 — Section 482

Indian Penal Code, 1860 — Section 34, 406, 498A

Citation : (2025) 10 DEL CK 1248

Hon'ble Judges : Ravinder Dudgeja, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Ravinder Dudgeja, J

1. This is a petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, seeking quashing of FIR No. 230/2019, dated 05.10.2019, registered at P.S Jamia Nagar, Delhi under Sections 498A/406/34 IPC and all proceedings emanating therefrom on the basis of settlement between the parties.

2. The factual matrix giving rise to the instant case is that the marriage between Petitioner and Respondent no. 2/complainant was solemnized on 27.04.2011 as per Muslim Rites and ceremonies. One child was born out of the said wedlock. However, on account of temperamental differences Petitioner and Respondent No. 2 started living separately since 27.05.2018.

3. As per averments made in the FIR, Respondent No. 2 was subjected to physical and mental harassment on account of dowry demands by the petitioner. FIR No. 230/2019 was lodged at the instance of respondent no. 2 at PS Jamia Nagar under sections 498A/406/34 IPC against the petitioner.

4. During the course of proceedings, the parties amicably resolved their disputes and the terms of the compromise were reduced into writing in the form of a

Settlement Deed/ MOU dated 19.02.2025. It is submitted that petitioner and respondent no. 2 have resumed cohabitation along their child w.e.f. 23.02.2025. Copy of the Settlement Deed/ MOU dated 19.02.2025 has been annexed as Annexure P-2.

5. Parties are physically present before the Court. They have been identified by their respective counsels as well as by the Investigating Officer SI Munfaij from P.S. Jamia Nagar.

6. Respondent No. 2 confirms that the matter has been amicably settled with the petitioner without any force, fear, coercion and she has resumed cohabitation along their child and has no objection if the FIR No. 230/2019 is quashed against the Petitioner.

7. In view of the settlement between the parties, learned Additional PP appearing for the State, also has no objection if the present FIR No. 230/2019 is quashed.

8. Hon'ble Supreme Court has recognized the need of amicable settlement of disputes in Rangappa Javoor vs The State Of Karnataka And Another, Diary No. 33313/2019, 2023 LiveLaw (SC) 74, Jitendra Raghuvanshi & Ors. vs Babita Raghuvanshi & Anr., (2013) 4 SCC 58 & in Gian Singh vs State of Punjab (2012) 10 SCC 303.

9. Further, it is settled that the inherent powers under section 482 of the Code are required to be exercised to secure the ends of justice or to prevent abuse of the process of any court. Further, the High Court can quash non-compoundable offences after considering the nature of the offence and the amicable settlement between the concerned parties. Supreme Court and this Court have repeatedly held that the cases arising out of matrimonial differences should be put to a quietus if the parties have reached an amicable settlement. Reliance may be placed upon MOHAMMAD ASIF

10. In view of the above facts that the parties have amicably resolved their differences out of their own free will and without any coercion. Hence, it would be in the interest of justice, to quash the abovementioned FIR and the proceedings pursuant thereto.

11. In the interest of justice, the petition is allowed, and the FIR No. 230/2019, dated 05.10.2019, registered at P.S Khajuri Khas, Delhi under section 498A/406/34 IPC and all the other consequential proceeding emanating therefrom is hereby quashed.

12. Petition is allowed and disposed of accordingly.

13. Pending application(s), if any, also stand disposed of.