

(2025) 12 DEL CK 1731

In the Delhi High Court

Case No : Criminal Miscellaneous Petition No. 5299 Of 2025

Mohd Asif Ansari And Ors.

APPELLANT

Vs

State Of Nct Delhi And Anr

RESPONDENT

Date of Decision : 05-12-2025

Acts Referred:

Bharatiya Nagarik Suraksha Sanhita, 2023 — Section 528
Code of Criminal Procedure Act, 1973 — Section 482
Indian Penal Code, 1860 — Section 406, 498A

Citation : (2025) 12 DEL CK 1731

Hon'ble Judges : Ravinder Dudeja, J

Bench : Single Bench

Advocate : Mohd. Soza Faisal, Nawal Kishore Jha, Asif Ansari

Final Decision : Allowed

Judgement

Ravinder Dudeja, J

1. This is a petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, seeking quashing of FIR No. 426/2017, dated 08.07.2017, registered at P.S Uttam Nagar, Delhi under Sections 498A/406 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 No. 1 and Respondent no. 2/complainant was solemnized on 23.04.2016 as per Muslim Rites and ceremonies at Delhi. No child was born out of the said wedlock. However, on account of temperamental differences Petitioner No. 1 and Respondent No. 2 are living separately since July, 2016.

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 petitioners. FIR No. 426/2017 was lodged at instance of Respondent No. 2 under section 498A/406 IPC against the petitioners.

4. During the course of proceedings, the parties amicably resolved their disputes

before the Counselling Cell, Family Court, Dwarka Courts, Delhi and executed a Settlement dated 27.05.2024. It is submitted that petitioner no. 1 and respondent no. 2 have obtained divorce as per muslim personal laws and petitioner no. 1 has paid the total settlement amount of Rs. 5,00,000/- (Rupees five lacs only) as per the schedule mentioned in the Settlement Deed to respondent no.2. Copy of the Settlement dated 27.05.2024 has been annexed as Annexure P-2

5. Petitioner no. 1 and Respondent no. 2 are physically present before the Court while Petitioner nos. 2-7 have entered their appearance through VC. They have been identified by their respective counsels as well as by the Investigating Officer SI Ramni was from PS Uttam Nagar.

6. Respondent No. 2 confirms that the matter has been amicably settled with the petitioners without any force, fear, coercion and she has received the entire settlement amount and has no objection if the FIR No. 426/2017 is quashed against the Petitioners.

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. 426/2017 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 Live Law (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 B.S. Joshi v. State of Haryana, (2003) 4 SCC.

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, it would be in the interest of justice, to quash the above mentioned FIR and the proceedings pursuant thereto.

11. In the interest of justice, the petition is allowed, and the FIR No. 426/2017, dated 08.07.2017, registered at P.S Uttam Nagar, Delhi under section 498A/406 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.