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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **CRL.M.C. 1282/2024**  
**MD. NAZIM & ORS.** ..... Petitioners  
Through: Appearance not given.

versus

**THE STATE GOVT OF NCT OF DELHI & ANR.....** Respondents  
Through: Mr. Hemant Mehla, APP for State  
with SI Arvind Saini, PS. Aman  
Vihar.

**CORAM:**  
**HON'BLE MR. JUSTICE VIKAS MAHAJAN**

**ORDER**  
**16.02.2024**

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**CRL.M.A. 5054/2024(exemption)**

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

**CRL.M.C. 1282/2024**

3. The present petition has been filed under Section 482 CrPC seeking quashing of FIR No.629/2022 under Sections 376/506 IPC (subsequently, charge-sheet has been filed under Sections 376/506/354/376D/377/498A/34) registered at Police Station Aman Vihar and all consequential proceedings emanating therefrom on the ground that the parties have arrived at a settlement.
4. Issue notice. The learned APP for the State accepts notice. He submits that since the FIR is an outcome of a matrimonial dispute and the parties have arrived at a settlement, the State has no objection in case the FIR in question is quashed.



5. The petitioner no.1 (former husband) and the petitioner nos. 2 to 6, who are close relatives of petitioner no.1, as well as, respondent no. 2 (former wife) are present in the Court and they have been identified by their counsel and by the Investigating Officer SI Arvind Saini, PS. Aman Vihar.
6. The brief facts of the case are that the marriage between the petitioner no.1 and respondent no. 2 was solemnized on 19.09.2020 according to Muslim Rites and Customs. Out of the said wedlock, one male child namely, Master Mohd. Kaif was born on 20.08.2021, who is presently in the care and custody of the respondent no.2/mother.
7. On account of temperamental issues certain disputes arose between the parties and they started living separately w.e.f. 14.07.2022. The dispute between the parties also led to the registration of present FIR.
8. During the pendency of the proceedings, the parties have arrived at a settlement dated 17.11.2023 with the intervention of the family members, friends and relatives, a copy of which is annexed as Annexure-F to the present petition. The petition is also supported by the No Objection Affidavit of the respondent no.2, wherein it has been specifically mentioned that the petitioner no.1 and respondent no.2 have resolved all their disputes amicably, copy of which is annexed at page 120 to the present petition.
9. In terms of the said settlement, the parties decided to dissolve their marriage. On 15.06.2023, 01.08.2023 and 17.09.2023, the petitioner no.1 has pronounced the first divorce, second divorce and third divorce to the respondent no.2. A *talaqnama* in this regard has been executed by the parties, a copy of which is annexed as Annexure-E (Colly.) to the present petition.
10. It is also a term of the settlement between the parties that the



petitioner no.1 shall pay a total sum of Rs.15 lacs to the respondent no.2 towards full and final settlement of all her claims (present, past and future, complete maintenance, allowances, damages, alimony, mehar). Out of the said amount, a sum of Rs. 9 lacs has already been paid by the petitioner no.1 to the respondent no.2 in the manner as mentioned in the settlement. The remaining amount of Rs.6 lacs has been paid to the respondent no.2 today in the court by the petitioner no.1 by way of Demand Draft bearing No.274445 dated 16.02.2024 issued by Bank of Baroda, Sector-9, Rohini, Delhi-110085.

11. The receipt of entire amount of Rs.15 lacs is acknowledged by the respondent no.2, who is present in court.

12. A coordinate bench of this court in '**Rifakat Ali & Ors Vs. State & Anr.**' [CRL.M.C. No. 599/2021, decided on 26.02.2021] after referring to three decisions of the Supreme Court, has taken a view that an offence under Section 377 IPC, is though a heinous offence, but where such an offence is invoked in a matrimonial dispute and where the parties have decided to part ways and move ahead in their lives without acrimony against each other, power under Section 482 Cr.P.C. can be exercised even for an offence under Section 377 IPC on the ground that the dispute is private in nature. The material part of the said decision reads as under:-

*"....10. A perusal of the three judgments which shows that the Supreme Court has consistently held that the power under Section 482 CrPC should not be used for quashing heinous and serious offences of mental depravity or offences like murder, rape, dacoity etc. since these offences are not private in nature and have a serious impact in society. An offence under Section 377 IPC is a heinous offence and points to the mental depravity of the accused and hence ought not to be quashed by*



*the High Court on the basis of compromise by exercising its jurisdiction under Section 482 CrPC.*

*11. The present case arises out of matrimonial dispute and the allegation has been made by the wife against the husband. The parties have decided to part ways and get ahead in their lives without having any acrimony against each other. In the facts and circumstances of the case, this Court is inclined to exercise its powers under Section 482 CrPC even for an offence under Section 377 IPC on the ground that the dispute is private in nature.*

*12. The learned counsel for the petitioners has placed reliance on orders of this Court in CRL.M.C.830/2019 titled as Dinesh Kumar & Ors. v. State & Anr., CRL.M.C.1613/2019 titled as Anmol Katyal & Ors. v. State (NCT of Delhi) & Anr., CRL.M.C. 5216/2018 titled as Gajender Singh & Ors. v. State (NCT of Delhi) & Ors. and CRL.M.C. 4117/2018 titled as Joginder Singh Bote & Ors. v. NCT of Delhi & Anr. In all these cases wife has levelled allegation of the husband committing an offence under Section 377 IPC. This Court has exercised its jurisdiction under Section 482 CrPC and has quashed the FIRs on the basis of the compromise entered into between the husband and wife.*

*13. It is made clear that this Court is exercising its powers under Section 482 CrPC to quash an offence of Section 377 IPC on the ground that the parties have compromised the matter with each other only because it arises out of a matrimonial dispute, the allegation has been levelled by wife against her husband of committing an offence under Section 377 IPC and the parties have decided to move ahead in life.”...*

13. The same analogy will apply to the invocation of offences under Sections 377, 376D and 376 IPC in the present FIR which is an outcome of a matrimonial dispute and the parties have decided to part ways and move ahead in their lives.

14. The respondent no.2, on a query put by the Court, states that she has



no objection in case the FIR is quashed.

15. In view of the fact that the parties have arrived at a settlement, no useful purpose will be served in continuing the proceedings, rather the same would create further acrimony between them.

16. It is, thus, in the interest of justice that the present FIR and all the proceedings emanating therefrom be quashed.

17. Consequently, the petition is allowed and the FIR No.629/2022 under Sections 376/506 IPC (subsequently, charge-sheet has been filed under Sections 376/506/354/376D/377/498A/34) registered at Police Station Aman Vihar alongwith all other proceedings emanating therefrom, is quashed.

18. The petition stands disposed of in the above terms.

19. Order be uploaded on the website of this court.

**VIKAS MAHAJAN, J**

**FEBRUARY 16, 2024/dss**