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

+ **CRL.M.C. 5110/2023**

DILIP @ SUMIT AND ORS

.....Petitioners

Through: Mr. Randhir Singh, Advocate with
petitioners in person.

versus

STATE GOVT OF NCT OF DELHI AND ANRRespondents

Through: Mr. Satish Kumar, APP for the State
with SI Sheetal, PS-KM Pur.
Respondent no.2 in person.

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

25.10.2024

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CRL.M.A. 19406/2024 (Exemption).

1. Exemption allowed subject to just exceptions.
2. The application stands disposed of.

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3. The instant petition under Section 482 of the Code of Criminal Procedure, 1973 ("Cr.P.C." hereinafter) has been filed by the petitioners praying for quashing of FIR bearing No. 131/2021 registered at Police Station Kotla Mubarakpur, New Delhi, for offences punishable under Sections 498-A/406/354/34 of the Indian Penal Code, 1860 (hereinafter "IPC").
4. The petitioners are present before this Court and have been identified the Investigating Officer and their counsel, Mr. Randhir Singh, Advocate



and the respondent No. 2, who is present in-person before this Court, has been identified by the Investigating Officer.

5. The brief facts of the case are that the marriage between the petitioner No.1 and the respondent No.2 got solemnised on 10th **March**, 2020 at Delhi, according to Hindu rites and ceremonies. No child was borne out of the said wedlock.

6. Due to some temperamental issues in their marriage, disputes arose between the parties and the respondent No.2 started living separately, therefore, she filed a complaint dated 3rd May, 2020 before the CAW Cell, Srinivaspuri, Delhi, which ultimately led to registration of the aforesaid FIR dated 17th March, 2021 against the petitioners.

7. Thereafter, a divorce petition under Section 13(1)(ia) of the Hindu Marriage Act, 1955, before the Court of Principal Judge, Family Court, Saket Court, Delhi, and the parties were referred to mediation. Subsequently, the parties herein entered into a settlement before the Counselling Cell, Family Court, Saket on 3rd August, 2022. Copy of the said settlement is annexed as Annexure P-3 to the instant petition.

8. On the query made by this Court, respondent No.2 has categorically stated that she has entered into compromise 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 in terms of the conditions set out in the aforesaid settlement agreement. She also acknowledged having received the entire money against all the claims in the sum of Rs. 3,24,000/- in accordance with the settlement arrived at between the parties.

9. It is submitted that since the parties have settled their disputes



amicably, no useful purpose would be served in continuing with the said FIR and consequential proceedings arising from the said FIR.

10. Accordingly, it is prayed that the instant FIR, chargesheet and consequential proceedings emanating therefrom be quashed on the basis of the compromise dated 3rd August, 2022 and as per the judgments of the Hon'ble Supreme Court passed in *Gian Singh vs. State of Punjab*, (2012) 10 SCC 303 and *Parbathbhai Aahir @ Parbathbai vs. State of Gujarat*, (2017) 9 SCC 641.

11. *Per contra*, Mr. Satish Kumar, APP for the State submitted that there is no opposition to the instant prayer made on behalf of the petitioners seeking quashing of the FIR in question and subsequent proceedings emanating therefrom in view of the settlement arrived at between the parties vide the Compromise Deed, however, cost may be imposed upon the petitioners as the FIR was registered in the year 2021 and a period of more than 3 years of judicial time has been wasted.

12. Learned counsel appearing on behalf of the parties undertake to abide by all the terms and conditions of the settlement.

13. Heard learned counsel for the parties and perused the record.

14. 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 compromise between the 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. In the present case, the complainant is present in-person before this 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.

15. 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.

16. In the instant case, as stated above, the parties have reached on the compromise and amicably settled the entire disputes without any pressure. In view of the settlement arrived at between the parties and the law laid down by the Hon'ble Supreme Court, the present petition is allowed

17. In view of the settlement arrived at between the parties and the law laid down by the Hon'ble Supreme Court, the present petition is allowed and the FIR bearing No. 131/2021 registered at Police Station Kotla Mubarakpur, New Delhi, for offences punishable under Sections 498-A/406/354/34 of the Indian Penal Code, 1860 IPC and all consequential proceedings emanating therefrom are quashed, subject to the deposit of the cost of Rs. 20,000/- (Rupees Twenty Thousand Only) in the account of in the account of Army Central Welfare Fund, Saving Account no. 520101236373338 (IFSC- UBIN0530778), Bank Name- Union Bank of India, Branch- Chandni Chowk, Delhi – 110006 within a period of two weeks.

18. The receipt to the payment of the aforesaid cost shall be furnished to



the Investigating Officer within two weeks.

19. The petition alongwith pending application(s), if any, stands disposed of.

CHANDRA DHARI SINGH, J

OCTOBER 25, 2024
NA/sm

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