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

+ CRL.M.C. 7720/2023

SH VIMIT AHUJA AND ORS

.....Petitioners

Through: Mr. Vijay Kumar Ravi and Mr.
Sanjay Singh, Advocates

versus

THE GOVT OF N C T DELHI AND ORS

.....Respondents

Through: Ms. Richa Dhawan, APP for State

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

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05.12.2024

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. 159/2016 registered at Police Station - Paschim Vihar, Delhi for offences punishable under Sections 498A/406/34 of the Indian Penal Code, 1860 (hereinafter “IPC”).

2. The brief facts of the case are that the marriage between the petitioner no. 1 and the deceased daughter of respondents no. 2 and 3 got solemnized on 12th October, 2011 at Delhi according to Hindu rites and ceremonies. One female child was born out the said wedlock. She is currently 11 years old and is living with her father i.e., petitioner no. 1. Due to temperamental



issues between the petitioner no. 1 and the deceased, the aforesaid FIR was registered against the petitioners.

3. Learned counsel appearing on behalf of the petitioners submitted that the wife of the petitioner no. 1 i.e., the deceased expired on 18th October, 2016 during the pendency of the investigation as she was suffering from cancer.

4. With the intervention of family members and relatives, the parties herein entered into settlement vide Memorandum of Understanding dated 27th November, 2024 (hereinafter “MOU”). The terms and conditions of the said settlement are mentioned in the MOU which is annexed to the petition. It is submitted that the consideration of settlement is mentioned in paragraph no. 2 of the MOU which is quoted hereinbelow:

“That the marriage between Late Ms. Parinita Ahuja, and Mr. Vimit Ahuja was solemnized according to Hindu rites and Ceremonies on 12/10/2011 and out of this wedlock one girl child named Ms. Mayra, aged 11 years, Aadhar, 909849323719, was born on 14/07/2013. The said child is in very good care and Custody of the Second Party, studying in Spring Dales Public School, Pusa Raod, Karol Bagh, New Delhi, and having a fixed deposit policy in her name of Rs. 2,00,000/- per year, and she will get the policy of Rs. 60,00,000/- in PNB Met-life Policy, on her 18 Birthday, the father of female child Ms. Mayra, is also having a property in his name at 2139/3, Gali No.3, Chuna Mandi, Pahar Ganj, Delhi which he will utilize for the welfare of the female child Ms. Mayra, and will transfer in the name of the female child Ms. Mayra, when she attains the age of 18 years, and in case of disposing off the said property the consent of the first party Rakesh Rawal is mandatory, and at the same time the First Party is giving a helping hand.”

5. It is further brought to the notice of this Court that the two accused



i.e., Sh. Sahil Ahuja (petitioner no. 4) and Smt. Neha Ahuja (petitioner no. 5) out of five accused in the case arising out of the instant FIR have been discharged vide orders dated 22nd July, 2019 and 13th November, 2019.

6. The petitioners no. 1 to 3 are present before this Court and have been identified by their counsel, Mr. Vijay Kumar Ravi, and Investigating Officer, Police Station Paschim Vihar. The respondents no. 2 and 3 are also present in the Court and have been identified by the Investigating Officer.

7. On the query made by this Court, the respondents no. 2 and 3 have categorically stated that they have entered into compromise on their own free will and without any pressure. It is also stated by respondents no. 2 and 3 that the entire dispute has been amicably settled between the parties. They submitted that they do not wish to pursue the instant case any further. The parties also undertook that they shall abide by the terms and conditions of the MOU arrived at between the parties.

8. It is prayed that the instant FIR be quashed on the basis of MOU and as per the Judgment 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**.

9. Learned APP for the State submitted that there is no opposition 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.

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

11. 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 parties. 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 their own free will and has not been imposed upon them by the petitioner or any person related to him. In the present case, the respondent nos. 2 and 3 are present in Court *via* video conference and has categorically stated that they have entered into compromise and settled the entire disputes amicably with the petitioners by their own free will without any pressure or coercion. There is also no allegation from respondents no.2 and 3 that the conduct and antecedents of petitioners have been bad towards them after the compromise.

12. 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.

13. 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.

14. In the instant case, as stated above, the parties have reached on the compromise and amicably settled the entire disputes without any pressure.



15. 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. Accordingly, FIR bearing No. 159/2016 registered at Police Station Paschim Vihar, Delhi for offences punishable under Sections 498A/406/34 of the IPC and all consequential proceedings emanating therefrom are quashed.

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

CHANDRA DHARI SINGH, J

DECEMBER 5, 2024
gs/mk

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