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

+ **CRL.M.C. 5686/2024**

NAVNEET JAIN & ORS.

.....Petitioner

Through: Mr. Prince Arora, Mr. Mitabh Gosain,
Mr. Sanchit Arora, Mr. Deepak
Sharma, Advs.

versus

THE STATE NCT OF DELHI AND ANR.

.....Respondent

Through: Mr. Aashneet Singh, APP
SI Naveen, PS Burari

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

% **20.12.2024**

1. This is a petition seeking quashing of F.I.R No. 456/2022 dated 17.05.2022 under Sections 498A/406/34 IPC and chargesheet u/s 406/498A/506/354/377/34 IPC, registered at Police Station Burari.
2. During the pendency of the proceedings, the parties have arrived at a settlement dated 21.02.2024 wherein the parties have resolved their disputes and the complainant has agreed to cooperate with the quashing of the F.I.R on obtaining decree of divorce. However, the parties appear and state that they are living together happily now. The statement made by the parties is taken on record.
3. The petitioner is present in Court and has been identified by their counsel, Mr. Prince Arora,
4. The respondent No. 2 is also present in Court and has been identified by his counsel, Mr Akarsh Gupta and by the Investigating Officer SI



Naveen, Police Station Burari.

5. Both parties state that they have entered into the aforesaid settlement out of their own free will, volition and without any threat, force, undue influence or coercion. It is stated by respondent No. 2 that she has no objection if the FIR is quashed.

6. Even though the offence is under section 377 of IPC, a coordinate bench of this Court in CRL.MC. 7026/2023 titled “*Preet Singh & Ors. v State of NCT Delhi & Anr.*” quashed the FIR under section 377 of IPC in similar circumstances. The operative portion reads as under:-

“12. The offences alleged in the FIR are also under Sections 376 and 377 IPC. A Co-ordinate 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. *Needless to say that since the petitioner no. 1 and respondent no. 2 are husband and wife and they have decided to live together, the same analogy will apply to the offence under Section 376 IPC as well as Section 377 IPC in the present case.*
14. *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.”

7. In offences under Section 377 of IPC, the Court must be circumspect while quashing the FIR as these are offences against society, even when a compromise has been reached. But at the same time, the Court cannot overlook that both the parties, i.e. respondent No. 2/complainant and petitioner No. 1, are living happily together. The parties also have a child born out of wedlock. In the present case, the respondent No. 2, who is present in Court, has herself made the statement that she wants to put a quietus to the matter without any undue influence, threat, pressure or coercion and out of her own free will.

8. Since the parties have arrived at a settlement and no disputes are pending, I am convinced that quashing of such proceedings on account of compromise would bring about peace and would secure ends of justice. The Court does not see any fruitful purpose if criminal proceedings are permitted to be prosecuted any further. It is a fit case for quashing.

9. For the reasons stated above, F.I.R No. 456/2022 dated 17.05.2022 under Sections 498A/406/34 IPC and chargesheet u/s 406/498A/506/354/377/34 IPC, registered at Police Station Burari and consequential proceedings emanation therefrom are hereby quashed.

10. The petition is disposed of accordingly.

JASMEET SINGH, J

DECEMBER 20, 2024/sp