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

+ CRL.M.C. 9065/2023

VIKASH KUMAR MISHRA AND ORS & ORS.Petitioner
Through: Mr. Abhinav Garg and Mr.
Manwendra Gautam, Advocates.

versus

STATE OF NCT OF DELHI AND ANR & ORS.Respondent
Through: Mr. Satish Kumar, APP.
Ms. Tanya Agarwal and Mr. Gaurav
Kalra, Advocates for R-2.

CORAM:
HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

08.11.2024

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1. The instant petition under Section 482 of the Code of Criminal Procedure, 1973 has been filed by the petitioners praying for quashing of FIR bearing No. 130/2023 registered at Police Station - Dabri, Delhi, for the offences punishable under Sections 498A/406/34 of the Indian Penal Code, 1860 (hereinafter "IPC") and consequential proceedings registered as CR/9564/2023 titled *State Vs Vikas Mishra & Ors.*

2. The brief facts of the case are that the marriage between the petitioner no. 1 and respondent no.2 got solemnized on 15th April, 2012 at Madhubani, Bihar according to Hindu rites and ceremonies but due to some temperamental differences between them, they started living separately since September, 2020. A male child namely, Master Vivaan was born out of their wedlock on 12th August, 2014.



3. Parties entered into a settlement *vide* Memorandum of Understanding dated 18th December, 2021 for mutual divorce. Accordingly, the parties have filed the first motion of divorce under Section 13B(1) of the Hindu Marriage Act, 1955 (hereinafter “HMA”) and was allowed by the Learned Principle Judge, Family Courts, Dwarka Courts, Delhi vide order dated 22nd February, 2022. However, after the grant of first motion of divorce by mutual consent, respondent no.2 did not turn up for second motion as per the settlement and both the parties could not settle the differences. Therefore, on the complaint of the respondent no.2, the aforesaid FIR was registered against the petitioner at Police Station-Dabri.

4. With the intervention of family members and relatives, both the parties entered into another settlement *vide* Settlement Agreement dated 22nd February, 2024 executed before the Delhi High Court Mediation and Conciliation Centre, Delhi High Court. The terms and conditions of the said settlement are mentioned in the Settlement Agreement, a copy of which has been handed over by respondent no.2 today in Court. The same is taken on record.

5. It is submitted that respondent no.2 has settled all her claims in respect of her dowry articles, stridhan, marriage expenses, jewellery, gift items and claims of past, present and future maintenance with the petitioner for a sum of Rs. 4,50,000/- and all disputes of any nature whatsoever, out of which the remaining amount of Rs.3,50,000/- was agreed to be paid at the time of quashing of the instant FIR. It is submitted that the respondent no. 2 has already received a sum of Rs.1,00,000/- as per the terms of the Settlement Agreement at the time of recording of statement of the parties for second motion of the divorce.



6. The petitioner no. 1 has handed over a Demand Draft bearing No.016639 for the balance amount of Rs.3,50,000/- dated 30th May, 2024 to the respondent no. 2 today in the Court. The respondent no.2 has verified the particulars of the Demand Draft to her satisfaction and stated them to be correct.

7. The petitioners are present before this Court. They have been identified by their counsel, Mr. Abhinav Garg, Advocate and the Investigating Officer. The respondent no. 2 is also present in the Court and has been identified by the Investigating Officer and her counsel.

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. The parties also undertook that they shall abide the terms and conditions of the Settlement Agreement arrived at between the parties.

9. It is prayed that the instant FIR be quashed on the basis of the Settlement Agreement dated 22nd February, 2024 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.

10. 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.

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

12. 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 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 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. There is also no allegation from respondent no.2 that the conduct and antecedents of petitioners have been bad towards her after the compromise. As per the settlement, the respondent no. 2 has received the entire settled amount.

13. 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.

14. 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.

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

16. 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. 130/2023 registered at Police Dabri, Delhi, for the offences punishable under Sections 498A/406/34 of the IPC and consequential proceedings registered as CR/9564/2023 titled *State Vs Vikas Mishra & Ors.* are quashed.

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

CHANDRA DHARI SINGH, J

NOVEMBER 8, 2024
NA/mk

Click here to check corrigendum, if any