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

+ **CRL.M.C. 9154/2023**

SH. ONAM SHARMA & ORS.Petitioner

Through: **Mr. Deepanshu Jain, Advocate**
(P/1670/2014)

versus

THE STATE GOVT. OF NCT OF DELHI AND ANR.

.....Respondent

Through: **Mr. Madhav Bhatia (D/17747/2021)**
and **Mr. Vivek Sura, Advocates for R-2**
with SPA/father of respondent
No.2.
Respondent No.2 in person (Through
VC)

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

13.12.2024

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CRL.M.A. 34200/2023

Exemption allowed subject to just exceptions.

The application stands disposed of.

CRL.M.A. 34201/2023

This is an application under Section 482 of the Code of Criminal Procedure, 1973 for condonation of delay in re-filing the instant petition.

For the reason stated in the application, the delay of 112 days in re-filing the petition is condoned.

The application is disposed of.



CRL.M.C. 9154/2023

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 by the petitioners praying for quashing of FIR bearing No. 777/2021 registered at Police Station Dwarka North, 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 respondent no.2 got solemnized on 20th November, 2019 at Delhi according to Hindu rites and ceremonies but due to some temperamental differences between them, they started living separately since 4th December, 2020. No child was born out of their wedlock.
3. Learned Counsel for the petitioner submitted that despite several efforts of reconciliation, both the parties could not settle their differences. It is further submitted that the respondent no.2 filed a complaint before the CAW Cell, Dwarka, New Delhi which led to the registration of the instant FIR against the petitioners on 26th October, 2021.
4. It is submitted that with the intervention of family members and relatives, both the parties entered into settlement agreement dated 2nd February, 2024 before Delhi Mediation Centre, Dwarka Courts, New Delhi. The aforesaid Settlement Agreement has been handed over to the Court and the same is taken on record.
5. It is submitted that vide judgment dated 24th May, 2023, the learned Judge, Family Court, South West District, Dwarka Courts, Delhi, the parties were granted decree of divorce under Section 13B (2) of the HMA.
6. It is submitted that respondent no.2 has settled all her claims/disputes



in respect of the present case, with the petitioner for a sum of Rs. 6,00,000/-. The entire amount of Rs.6,00,000/- was agreed to be paid at the time of quashing of the FIR.

10. It is prayed that the instant FIR be quashed on the basis of the Settlement Agreement between the parties.

11. 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.

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

13. 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.

14. 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 do not have a serious impact on the society.

15. 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 conscience of the society and that the compromise between the parties is voluntary and amicable.

16. The petitioners are present before this Court. They have been identified by their counsel, Mr. Deepanshu Jain, Advocate and the Investigating Officer. The respondent no. 2 is also present through VC has been identified by her counsel and the Investigating Officer. The petitioner no. 1 has handed over a Demand Draft bearing No.232433 for the amount of Rs.6,00,000/- dated 9th December, 2024 in the name of respondent no.2 today in the Court. The Special Power of Attorney holder/father of respondent no.2 has verified the particulars of the Demand Draft to his satisfaction and stated them to be correct.

17. 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 by the terms and conditions of the Settlement Agreement arrived at between the parties. There is also no allegation from respondent no.2 that the conduct and antecedents of petitioners have been bad towards her after the compromise.

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

19. 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. 777/2021 registered at Police Station Dwarka North, Delhi, for offences punishable under Sections 498A/406/34 of the IPC and all consequential proceedings emanating therefrom are quashed.

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

CHANDRA DHARI SINGH, J

DECEMBER 13, 2024
NA/st

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