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

+ **CRL.M.C. 6974/2024**

MANISH JAIN AND ORS.

.....Petitioners

Through: **Mr. Pawan Kumar Sharma, Advocate**

versus

STATE GOVT OF NCT OF DELHI AND ANRRespondent

Through: **Mr. Yudhvir Singh Chauhan, APP**
with SI Rajesh Kumar PS Vijay
Vihar

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

04.10.2024

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1. The instant petition under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter "Cr.P.C."), now Section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023 (BNSS), read with Section 4 of the Dowry Prohibition Act, 1961 has been filed by the petitioners praying for quashing of FIR bearing No. 596/2018 dated 17th September, 2018 registered at Police Station Vijay Vihar, Delhi, for offences punishable under Sections 498A/406/34 of the Indian Penal Code, 1860 (hereinafter "IPC").
2. The petitioners are present before this Court and have been identified by their counsel, Mr. Pawan Kumar Shrama, Advocate and the Investigating Officer. The respondent No.2 is also present in the Court and has been identified by the Investigating Officer.
3. 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.

4. The brief facts of the case are that the marriage between the petitioner no.1 and respondent no.2 got solemnized on 21st April, 2014 at New Delhi, according to Hindu rites and ceremonies but due to some temperamental differences between them, they started living separately since 2018. There are two minor children born out of their wedlock, who have been in exclusive custody, care and control of respondent no.2.

5. Despite several efforts of reconciliation, both the parties could not settle their differences. Pursuant to the complaint made by respondent no.2, an FIR bearing No. 596/2018 dated 17th September, 2018 was registered at Police Station Vijay Vihar, Delhi, for offences punishable under Sections 498A/406/34 of the IPC.

6. With the intervention of family members and relatives, both the parties entered into Memorandum of Understanding dated 26th June, 2021 (“MoU” hereinafter). The terms and conditions of the said settlement are mentioned in the aforesaid MoU, which is annexed as Annexure P-3 to the instant petition.

7. Further, in pursuance of the said settlement, the parties have jointly filed a divorce petition before the Family Court, pursuant to which, the marriage of the petitioner no.1 and respondent no.2 was dissolved *vide* judgment and decree dated 12th August, 2021.

8. 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 and permanent



alimony with the petitioner no.1 in full and final settlement in the sum of Rs. 10,00,000/-, out of which Rs. 2,00,000/- has been paid to the respondent no.2 with regard to her matrimonial claims/dowry articles/stridhan/shagun, etc, and Rs.4,00,000/- each has been paid towards the welfare, education and upbringing of the two minor children. It is agreed that custody of the two minor children shall be with the respondent no.2.

9. It is prayed that the instant FIR be quashed on the basis of the abovementioned MoU and in terms of the law laid down in 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 including the MoU dated 26th June, 2021.

12. It is observed that 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 which has been entered into are on the basis of free will of the respondent no.2 and has not been imposed upon her by the petitioners or any person related to them.

13. In the present case, the complainant is present in Court and has categorically stated that she has entered into the aforesaid MoU and settled



the entire disputes amicably with the petitioner no.1 by her own free will and without any pressure or coercion. Further, 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.

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 does 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 CrPC can be invoked even when such a case falls within the ambit of non-compoundable offences subject to the Court's satisfaction 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.

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

17. Accordingly, FIR No. 596/2018 dated 17th September, 2018 registered at Police Station Vijay Vihar, Delhi under Sections 498A/406/34



of the IPC and all consequential proceedings emanating therefrom are quashed.

18. Although, the MoU records payment of Rs.4,00,000/- to each of the minor children, it is made clear that the minor children after attaining the age of majority can claim right in the properties of the father and ancestral properties as per law.

19. The petition alongwith pending application stands disposed of.

CHANDRA DHARI SINGH, J

OCTOBER 4, 2024

NA/sm

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