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

+ **CRL.M.C. 7202/2024**

MANPAL SINGH & ORS.

.....Petitioners

Through: Mr.Vinayak Bhandari, Ms.Jaisal Singh and Ms.Teest, Advocates with petitioners in person.

versus

THE STATE NCT OF DELHI & ANR.

.....Respondent

Through: Mr.Yudhvir Singh Chauhan, APP for State with SI Lokendra Singh Ms.Gayatri Nandwani and Ms.Mudita Sharda, Advocates for R-2 with R-2 in person.

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

02.12.2024

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1. The instant petition under Section 482 of the Code of Criminal Procedure, 1973 ("Cr.P.C." hereinafter), now under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter "BNSS") has been filed by the petitioners praying for quashing of FIR bearing No.284/2016, registered at Police Station - Vijay Vihar, New Delhi, for the offences punishable under Sections 498A/406/34 of the Indian Penal Code, 1860 (hereinafter "IPC").

2. Issue notice.

3. Mr. Yudhvir Singh Chauhan, learned APP for the State accepts notice



on behalf of the State. Learned counsel appearing on behalf of the complainant accepts notice on behalf of respondent No.2/complainant.

4. The brief facts of the case are that the respondent no. 2 was married to the son of petitioner no.1 and two children were born out of the wedlock. On 5th October, 2012, the husband of respondent no. 2 passed away in a car accident, after which the respondent no. 2 was allegedly repeatedly harassed by the petitioners, which led to the filing of the instant FIR.

5. Learned Counsel appearing on behalf of the petitioners submitted that with the intervention of family members and relatives, both the parties have reached a settlement vide Memorandum of Understanding dated 10th May, 2024, which is annexed as Annexure-C to the petition.

6. It is submitted that in terms of the Memorandum of Understanding, entire payment has been made to the respondent No. 2 by way of two demand drafts bearing Nos. 017532 in the sum of Rs.12,00,000/- and 017533 in the sum of Rs.10,00,000/- drawn on Axis Bank in the favour of respondent No.2 today in the Court, and the balance amount of Rs.1,00,000 has been transferred to the respondent no.2's bank account. The respondent No. 2 has verified the particulars of the Demand Draft to her satisfaction and stated them to be correct.

7. It is submitted that as per the Memorandum of Understanding, the Will with respect to the property bearing H. No. 310, Village Haluwas, District Bhiwani have been handed over to the respondent No. 2 after receiving the keys of the property bearing No. 702-03, 2nd Floor, A Block, Jahangir Puri, Delhi-110033.

8. Therefore, it is prayed that the instant FIR be quashed on the basis of the compromise *vide* Memorandum of Understanding signed by the parties



on 10th May, 2024.

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 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 own free will and has not been imposed upon the complainant by the petitioner or any person related to the him.

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 do 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 conscience of the



society and that the compromise between the parties is voluntary and amicable.

14. The petitioners are present before this Court and have been identified by their counsel Mr. Vinayak Bhandari as well as the Investigating Officer (“IO” hereinafter) SI Lokender Singh, Police Station – Vijay Vihar, New Delhi. The respondent No.2 is also present before this Court and has been identified by her counsel as well as the IO.

15. On the query made by this Court, respondent No.2 has categorically stated that she has settled the matter with the petitioners out of her own free will and without any pressure or coercion, *vide* a Memorandum of Understanding dated 10th May 2024.

16. 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.

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

18. 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, the FIR bearing No. 284/2016, registered at Police Station- Vijay Vihar, New Delhi, for the offences punishable under Sections 498A/406/34 of the Indian Penal Code, 1860 and all consequential proceedings emanating therefrom are quashed.

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

20. It is made clear that the minor children of respondent No.2 and her



late husband can claim their right in the ancestral property of the petitioners after attaining majority, in accordance with the law.

CHANDRA DHARI SINGH, J

DECEMBER 2, 2024/sv/st

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