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

+ **CRL.M.C. 7580/2024**

SHAMINDER SINGH

.....Petitioner

Through: Mr.Anindya Malhotra, Ms.Deepti
Gulati and Mr.Kartik Wadhwa,
Advocates

versus

STATE NCT OF DELHI & ANR.

.....Respondents

Through: Mr.Satish Kumar, APP for the State
alongwith SI Sandeep, P.S.-Malviya
Nagar
Mr.Yasharth Jayant Lal, Advocate for
the complainant alongwith the
complainant

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

% **25.09.2024**

CRL.M.A. 28972/2024

Exemption is allowed, subject to all just exceptions.

The application stands disposed of.

CRL.M.C. 7580/2024 & CRL.M.A. 28971/2024 (Stay)

1. The instant petition under Section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023 (hereinafter "BNSS") read with Section 482 of the Code of Criminal Procedure, 1973 (hereinafter "Cr.P.C.") read with Article 227 of the Constitution of India, 1950 has been filed by the petitioner praying for quashing of FIR bearing No. 459/2016 registered at Police Station Malviya Nagar, New Delhi, for offences punishable under Sections



498A/406 of the Indian Penal Code, 1860 (hereinafter “IPC”).

2. The petitioner is present before this Court and has been identified by his counsel Mr.Anindya Malhotra and Investigating Officer SI Sandeep, Police Station Malviya Nagar. The respondent No.2 is also present in the Court and has been identified by her counsel Mr.Yasharth Jayant Lal and 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 and respondent No.2 got solemnized on 31st January, 1994 at New Delhi, according to Sikh rites and ceremonies but due to some temperamental differences between them, they started living separately since 2015. Out of their wedlock, twin children (one daughter and one son) were born, who have been in exclusive custody, care and control of the petitioner since 9th February, 2015.

5. Despite several efforts of reconciliation, both the parties could not settle the differences. The respondent no.2 submitted a complaint with the CAW Cell, Saket, New Delhi on 5th November, 2015 which led to the registration of the aforesaid FIR against the petitioner on 27th April, 2016.

6. With the intervention of family members and relatives, both the parties entered into settlement on 26th July, 2024. The terms and conditions of the said settlement are mentioned in the settlement deed which is annexed as Annexure P-3 to the petition.

7. Further, in pursuance of the said settlement, the parties have jointly



agreed that they shall move for divorce under Section 13B(1) and under Section 13B(2) of the Hindu Marriage Act, 1955 (hereinafter “HMA”).

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 for a sum of Rs. 2,50,00,000/- (Rupees Two Crore Fifty Lac only) and all disputes of any nature whatsoever, out of which the remaining amount of Rs.25,00,000/- (Rupees Twenty Five Lac) was agreed to be paid at the time of quashing of the FIR.

9. The petitioner has handed over a Demand Draft bearing No.217728 for the balance amount of Rs.25,00,000/- dated 18th September, 2024 in the name of 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. The copy of the said Demand Draft is handed over by the learned counsel appearing on behalf of the petitioner during the course of the arguments, which is taken on record.

10. It is prayed that the instant FIR be quashed on the basis of Memorandum of Understanding dated 26th July, 2024 and as per the Judgment of the Hon’ble Supreme Court passed in ***Gian Singh vs. State of Punjab*, (2012) 10 SCC 303**.

11. Mr.Satish Kumar, learned APP for the State submitted that there is no opposition to the prayer made by the petitioner 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. 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 petitioner 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 petitioner 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 ***B.S. Joshi & Ors. vs. State of Haryana & Ors (2003) 4 SCC 675***, the Hon'ble Supreme Court has held that if for purpose of securing the ends of justice, quashing of FIR becomes necessary, Section 320 of the Cr.P.C. would not be a bar to the exercise of the power of quashing under Section 482 of the Cr.P.C.

15. Moreover, the Hon'ble Supreme Court in ***Jitendra Raghuvanshi & Ors. vs. Babita Raghuvanshi & Anr. (2013) 4 SCC 58***, has held that criminal proceedings on FIR or complaint can be quashed under Section 482 of the Cr.P.C. in appropriate cases in order to meet ends of justice. Even in non-compoundable offences pertaining to the matrimonial disputes, if Court is satisfied that parties have settled the disputes amicably and without any pressure, then for the purpose of securing ends of justice, FIRs or complaints or subsequent criminal proceedings in respect of offences can be quashed.



16. In the instant case, as stated above, the parties have reached on the compromise and amicably settled the entire disputes without any pressure. 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. 459/2016 registered at Police Station Malviya Nagar, New Delhi, for offences punishable under Sections 498A/406 of the IPC and all consequential proceedings emanating therefrom are quashed.
17. The petition alongwith pending application stands disposed of.

CHANDRA DHARI SINGH, J

SEPTEMBER 25, 2024

Dy/sm

Click here to check corrigendum, if any