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

+ **CRL.M.C. 7636/2024**

ASHRAF & ORS.

.....Petitioners

Through: Mr. Mond. Zanid D/687/03 and Mr.
Braham Kumar Pandey, Advocate
D/237/2017.

versus

STATE NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Satish Kumar, APP along with SI
Ajit Krishna, PS- Gokulpur, Delhi.

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

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26.09.2024

CRL.M.A. 29135/2024 (Exemption).

Exemption allowed subject to just exceptions.

The application stands disposed of.

CRL.M.C. 7636/2024.

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 petitioners praying for quashing of FIR bearing No.0444/2018 registered at Police South Gokulpuri, New Delhi, for offences punishable under Sections 498A/406/377/34 of the Indian Penal Code, 1860 (hereinafter "IPC") and subsequent proceedings pending before the Judicial Magistrate, First Class,



Karkardooma Courts, Delhi.

2. The petitioners are present before this Court and have been identified by his counsel Mr. Mohd. Zanid, D/687/03 and Mr. Braham Kumar Pandey, D/237/2017 and Investigating Officer SI Ajit Krishna, Police Station Gokul Puri, Delhi. Ms. Sama Praveen, respondent No.2 is also present in the Court and has been identified by her counsel and the Investigating Officer (“IO” hereinafter). The remaining petitioners are also present in the Court and have been identified by the IO.

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 24th April, 2024 at Delhi, according to Muslim rites and ceremonies but due to some temperamental differences between them, they started living separately since 27th September, 2017.

5. With the intervention of family members and relatives, both the parties entered into settlement on 8th May, 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.

6. Further, in pursuance of the said settlement, the parties have jointly agreed that they shall move for divorce.

7. Learned counsel appearing on behalf of the petitioners submitted that the said FIR and subsequent proceedings pending before the Judicial Magistrate, First Class, Karkardooma Courts, Delhi may be quashed in



terms of the settlement agreement dated 8th May, 2024 which is appended as annexure P-3 to the petition.

8. It is submitted that respondent No.2 has settled all her claims in respect of her claims arising out of the marriage including mehar amount, *iddat* expenses and maintenance (present, past and future) and permanent alimony with the petitioner for a sum of Rs. 4,75,000/- (Rupees Four Lakh Seventy Five Thousand only) and all disputes of any nature whatsoever, out of which the remaining amount of Rs. 2,00,000/- (Rupees Two Lakh) was agreed to be paid at the time of quashing of the FIR.

9. The petitioner has handed over a Demand Draft bearing No.321959 for the balance amount of Rs. 2,00,000/- dated 17th 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.

10. It is prayed that the instant FIR be quashed on the basis of compromise deed dated 22nd April, 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 the purpose of securing the ends of justice, quashing of FIR becomes necessary, Section 320 Cr.P.C. would not be a bar to the exercise of the power of quashing under Section 482 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 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. 0444/2018 registered at Police South Gokulpuri, New Delhi, for offences punishable under Sections 498A/406/377/34 of the Indian Penal Code, 1860 and all consequential proceedings emanating therefrom are quashed.

17. The petition alongwith pending application(s), if any, stands disposed of.

CHANDRA DHARI SINGH, J

SEPTEMBER 26, 2024

Rk/mk

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