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

+ **CRL.M.C. 7705/2024 & CRL.M.A. 29395/2024**

HIMANSHU KAPOOR & ORS.

.....Petitioners

Through: Mr. Mayank Barua, Advocate-
D/5880/2017

versus

STATE (GOVT. OF NCT DELHI) & ANR.

.....Respondents

Through: Mr. Satish Kumar, APP with ASI
Sanjay Kumar, PS-Rajouri Garden.
Mr. Manoj Kumar Gupta, Advocate
for R-2/complainant.

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

27.09.2024

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1. The instant petition under Section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023 (hereinafter "BNSS") has been filed by the petitioner praying for quashing of FIR bearing No. 0753/2023 registered at Police Station Rajouri Garden, New 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. Mayank Barua and Investigating Officer, ASI Sanjay Kumar, Police Station-Rajouri Garden. The respondent No.2 is also present in the Court and has been identified by her counsel 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 no.1 and respondent No.2 got solemnized on 25th November, 2020 at New Delhi, according to Hindu rites and ceremonies but due to some temperamental differences between them, they started living separately since 2022. A male child born out of their wedlock, who has been in exclusive custody, care and control of the petitioner no.1.

5. Despite several efforts of reconciliation, both the parties could not settle the differences. The respondent no.2 submitted a complaint which led to the registration of the aforesaid FIR against the petitioners.

6. With the intervention of family members and relatives, both the parties entered into a MoU dated on 18th April, 2024. The terms and conditions of the settlement are mentioned in the MoU 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"). Learned counsel for the petitioners submitted that petitioner no.1 and respondent no.2/complainant have obtained a Decree of Divorce dated 3rd June, 2024 by mutual consent.

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. 2,20,000/- (Rupees Two lakh twenty thousand only) and all disputes of any nature whatsoever, out of which Rs.1,50,000/- (Rupees One Lakh Fifty Thousand) has already been



paid and Rs.70,000/- was agreed to be paid at the time of quashing of the FIR.

9. The petitioner no.1 has handed over a Demand Draft bearing No.502927 for the balance amount of Rs.70,000/- dated 21st 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 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 18th 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 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. 0753/2023 registered at Police Station Rajouri Garden, New Delhi, for offences punishable under Sections 498A/406/34 and all consequential proceedings emanating therefrom are



quashed.

17. The petition alongwith pending application stands disposed of.

CHANDRA DHARI SINGH, J

SEPTEMBER 27, 2024
NA/mk

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