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

+ **W.P.(CRL) 3017/2024 & CRL.M.A. 29326/2024**

SUNIT KUMAR JAISWAL AND ORS.Petitioners
Through: Mr. Biswajit Kumar Patra, Mr.
Satyajit Patra and Mr Paraksh Singh
Rana, Advocates and Mr. Sagar
Phogat in person.

versus

STATE OF NCT OF DELHI AND ANR.Respondents
Through: Mr. Anand V. Khatri, ASC, GNCTD.
Mr. Hemant Singh, Ms. Urvashi Jain
and Mr. Sushant Sagar, Advocates for
R-2.

CORAM:
HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

% **ORDER**
27.09.2024

1. The instant petition under Article 226 of the Constitution has been filed by the petitioner praying for quashing of FIR bearing No. 0408/2024 registered at Police Station Timarpur, New Delhi, for offences punishable under Sections 498A/406/34 of the Indian Penal Code, 1860 (hereinafter "IPC").
2. The petitioner is present before this Court and has been identified by his counsel Mr. Ankit Rana. 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, who is present in person, 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 and they have started living together and she is not interested in pursuing the criminal complaint filed against the petitioners.

4. The brief facts of the case are that the marriage between the petitioner no.1 and respondent No.2 got solemnized on 3rd June, 2022 at Ghaziabad, Uttar Pradesh, according to Hindu rites and ceremonies but due to some temperamental differences between them, they started living separately since 2023. Out of their wedlock, they do not have any child.

5. Despite several efforts of reconciliation, both the parties could not settle the differences. The respondent no.2 submitted a complaint with the PS- Timarpur, New Delhi on 20th November, 2023 which led to the registration of the aforesaid FIR against the petitioner on 19th July, 2024.

6. With the intervention of family members and relatives, both the parties entered into an oral settlement and petitioner no.1 and respondent no.2/complainant started living together.

10. It is prayed that the instant FIR be quashed on the basis of the oral settlement arrived at between the parties 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. Anand V. Khatri, learned Additional Standing Counsel appearing 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 oral 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 Cr.P.C. would not be a bar to the exercise of the power of quashing under Section 482 of 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 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 the offences



can be quashed.

16. In the instant case, as stated above, the parties have reached an oral compromise and amicably settled the entire disputes without any pressure and started living together. In view of the oral 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. 0408/2024 registered at Police Station Timarpur, New Delhi, for offences punishable under Sections 498A/406/34 of the Indian Penal Code, 1860 IPC 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/ryp

Click here to check corrigendum, if any