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

+ **CRL.M.C. 7784/2024**

HIMANSHU GUPTA ORS

.....Petitioners

Through: **Mr. Rajiv Ranjan, Advocate**

versus

THE STATE OF NCT OF DELHI AND ANR.Respondents

Through: **Mr. Yudhvir Singh Chauhan, APP for
State with W/SI Santosh (Main IO)
(Railways) and SI Rajesh Kumar,
P.S. Vijay Vihar**

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

03.10.2024

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CRL.M.A. 29724/2024 (Exemption)

Exemption allowed subject to just exceptions.

The application stands disposed of.

CRL.M.C. 7784/2024

1. The instant petition Section 482 of the Code of Criminal Procedure, 1973 (currently Section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023) has been filed on behalf of the petitioner seeking quashing of the FIR No. 0228/2022 registered at Police Station Vijay Vihar, New Delhi for the offence punishable under Sections 498A/406/34 of the Indian Penal Code, 1860 (IPC).

2. The petitioners no. 1 to 4 are present before this Court and petitioners no. 5 and 6 are present through video conferencing. They have been



identified by their counsel Mr. Rajiv Ranjan, Advocate and Investigating Officers W/SI Santosh and SI Rajesh Kumar, Police Station Vijay Vihar. The respondent no.2 is also present in the Court and has been identified by the Investigating Officer.

3. On the query made by this Court, the 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 30th November, 2020 at New Delhi according to Hindu rites and ceremonies but due to some temperamental differences between them, they started living separately since 2021. The marriage was duly consummated and out of this wedlock no child was born out.

5. Despite several efforts of reconciliation, both the parties could not settle the differences. The respondent no.2 lodged a complaint against the petitioners herein with the CAW Cell, Saket, New Delhi on 29th July, 2021 which led to the registration of the aforesaid FIR against the petitioners on 14th February, 2022.

6. With the intervention of family members and relatives, the petitioner no. 1 and the respondent no. 2 entered into settlement on 13th February, 2024. The terms and conditions of the said settlement are mentioned in the settlement deed which is annexed as Annexure P-2 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. 2,00,000/- and all disputes of any nature whatsoever, out of which the remaining amount of Rs.50,000/- was agreed to be paid at the time of quashing of the FIR and the remaining amount of Rs. 1,50,000/- has already been paid to respondent no. 2.

9. The petitioners have handed over a Banker's Cheque bearing No.016346 for the balance amount of Rs.50,000/- dated 30th September, 2024 in the name of respondent no.2 today in the Court. The respondent no.2 has verified the particulars of the Banker's Cheque to her satisfaction and stated them to be correct.

10. It is prayed that the instant FIR be quashed on the basis of settlement dated 13th February, 2024 and as per the Judgment of the Hon'ble Supreme Court passed in ***Gian Singh vs. State of Punjab, (2012) 10 SCC 303*** and ***Parbathbhai Aahir @ Parbathbai vs. State of Gujarat, (2017) 9 SCC 641***.

11. 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.

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 petitioners 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 *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 does not have a serious impact on the society.

15. 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 CrPC 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 conscious of the society and that the compromise between the parties is voluntary and amicable.

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 No. 0228/2022 registered at Police Station Vijay Vihar, New Delhi for the offence punishable under Sections 498A/406/34 of the IPC and all consequential proceedings emanating therefrom are quashed
17. The petition alongwith pending applications, if any, stand disposed of.

CHANDRA DHARI SINGH, J

OCTOBER 3, 2024
gs/mk

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