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

+ **W.P.(CRL) 3118/2024**

RAJNEESH KUMAR AND ORS

.....Petitioners

Through: Mr.Umang Aditya Singh, Advocate

versus

STATE GOVT. OF NCT OF DELHI AND ANR.Respondents

Through: Mr.Anand V.Khatri, ASC for the
State alongwith SI Devender Kumar,
P.S.Paschim Vihar, East
Mr.Saurav Panwar, Advocate for R-2

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

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07.10.2024

CRL.M.A. 30123/2024 (Exemption)

Exemption allowed subject to just exceptions.

The application stands disposed of.

W.P.(CRL) 3118/2024

1. The instant writ petition under Article 226 of the Constitution of India read with Section 528 of Bharatiya Nagrik Suraksha Sanhita, 2023 (previously Section 482 of the Code of Criminal Procedure, 1973) has been filed on behalf of the petitioners praying for quashing of FIR bearing No. 860/2022 registered at Police Station Paschim Vihar East, Delhi, for offences punishable under Sections 498A/406/34 of the Indian Penal Code, 1860 (hereinafter "IPC").

2. All the petitioners are present before this Court and have been identified by their counsel Mr.Umang Aditya Singh and Investigating



Officer SI Devender Kumar, P.S. Paschim Vihar East. Respondent No. 2 is also present before this Court and has been identified by her counsel, Mr.Saurav Panwar 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 on 12th May, 2013, the marriage between the petitioner No.1 and the respondent No.2 was solemnized according to Hindu rites and ceremonies.

5. Due to temperamental differences, both the parties started living separately since 20th November, 2021. Both the parties tried to reconcile the matter but the same could not succeed. On 4th November, 2022, the present FIR got registered on the complaint of the respondent No.2 against the petitioners.

6. With the intervention of common friends, family members and well-wishers of the parties, the petitioner No.1 and respondent No.2 have amicably settled all their disputes against each other and started living together in a rented accommodation.

7. Learned counsel appearing on behalf of the petitioners submitted that since the parties have entered into the Memorandum of Understanding/Settlement Deed dated 16th April, 2024 before the Mediation Centre, Tis Hazari Courts, Delhi, the parties have amicably settled all their disputes and started living together happily.

8. It is prayed that the instant FIR be quashed on the basis of Memorandum of Understanding dated 16th April, 2024 which is annexed as



“Annexure-2” to the instant petition and as per the Judgment of the Hon’ble Supreme Court passed in *Gian Singh vs. State of Punjab*, (2012) 10 SCC 303 as well as in *Parbathbhai Aahir @ Parbathbai vs. State of Gujarat*, (2017) 9 SCC 641.

9. Mr.Anand V.Khatri, learned ASC for State has no objection for quashing of the instant FIR on the basis of the memorandum of understanding/settlement deed.

10. Heard learned counsel appearing on behalf of the parties and perused the record.

11. The instant criminal proceedings in respect of non-compoundable offences which 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 petitioner No.1 and his family members by her own free will without any pressure or coercion and started living together in her matrimonial home. There is also no allegation from respondent No. 2 that the conduct and antecedents of petitioners have been bad towards her after the compromise.

13. 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.

14. Moreover, 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 Cr.P.C. 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.

15. In the instant case, as stated above, the parties have reached on the compromise and amicably settled the entire disputes without any pressure and are also living together happily as well as there is no objection on behalf of the State, thus, no useful purpose would be served by keeping the matter pending. 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. 860/2022 registered at Police Station Paschim Vihar East, Delhi, for offences punishable under Sections 498A/406/34 of the of the IPC and all consequential proceedings emanating therefrom are quashed.

16. Accordingly, the petition stands disposed of.

CHANDRA DHARI SINGH, J

OCTOBER 7, 2024

Dy/mk

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