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

+ **W.P.(CRL) 3125/2024**

SACHIN KUMAR AND ORS.

.....Petitioners

Through: Mr. Ashesh Lal, Advocate

versus

GOVERNMENT OF NCT OF DELHI AND ORS.Respondents

Through: Ms. Nandita Rao, ASC, CRL for
State (GNCTD) with Mr. Amit
Peswani, Advocate with SI
Sudhanshu, P. S. Seelampur

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

07.10.2024

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CRL.M.A. 30221/2024 (Exemption)

Exemption allowed subject to just exceptions.

The application stands disposed of.

W.P.(CRL) 3125/2024

1. The instant petition under Article 226 of the Constitution of India, 1950 read with Section 482 of the Code of Criminal Procedure, 1973 (hereinafter "Cr.P.C.") (currently under Section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023) (hereinafter "BNSS") has been filed on behalf of the petitioners praying for quashing of FIR bearing No. 62/2020 registered at Police Station Seelampur, for offences punishable under Sections 498-A/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 i.e., Mr. Ashesh Lal, Advocate (Enrolment No. D/1906/2001) and Investigating Officer i.e., SI Sudhanshu, Police Station Seelampur. 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, 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 1st February, 2017 at New Delhi, according to Hindu rites and ceremonies but due to some temperamental differences between them, they started living separately since 2019. There are two children born out of their wedlock.

5. Despite several efforts of reconciliation, both the parties could not settle the differences. The respondent no.2 lodged a complaint with the Women Cell, Nand Nagri, East Delhi which led to the registration of the aforesaid FIR against the petitioners on 24th February, 2020.

6. With the intervention of family members and relatives, both the parties entered into settlement vide Settlement Agreement dated 18th February, 2021. The terms and conditions of the said settlement are mentioned in the Settlement Agreement which is annexed as Annexure P-2 to the petition.

7. It is prayed on behalf of the parties that the instant FIR be quashed on the basis of Settlement Agreement dated 18th February, 2021 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.

8. Learned APP for the State has no objection 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.

9. Heard learned counsel for the parties and perused the record.

10. 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 and she is living peacefully with her husband.

11. 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.



12. 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 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.

13. 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.

14. 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. 62/2020 registered at Police Station Seelampur, for offences punishable under Sections 498-A/406/34 of the IPC and all consequential proceedings emanating therefrom are quashed.

15. Accordingly, the petition alongwith pending application stands disposed of.

CHANDRA DHARI SINGH, J

OCTOBER 7, 2024
gs/mk

Click here to check corrigendum, if any