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

+ **CRL.M.C. 7932/2024**

DEEPAK JHA & ORS.

.....Petitioners

Through: Ms. Komal Gupta, Advocate
(D/6390/2020) along with petitioners
in person.

versus

STATE OF NCT OF DELHI AND ANR.

.....Respondents

Through: Mr. Yudhvir Singh Chauhan, APP for
the State with SI Arvind Kumar and
ASI Bhamburam, PS-Bara Hindu
Rao.

Respondent no. 2 in person.

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

% **16.10.2024**

CRL.M.A. 30275/2024 (Exemption).

1. Exemption allowed subject to just exceptions.
2. The application stands disposed of.

CRL.M.C. 7932/2024

3. The instant petition under Section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023 ("BNSS hereinafter") has been filed by the petitioners praying for quashing of FIR bearing No.14/2022, dated 13th January, 2022, registered at Police Station Bara Hindu Rao, Delhi, for offences punishable under Sections 498-A/406/34 of the Indian Penal Code, 1860 (hereinafter "IPC").

4. The petitioners are present before this Court and have been identified by the Investigating Officer and their counsel, Ms. Komal Gupta, Advocate



and the respondent No. 2, who is present in-person before this Court, has been identified by the Investigating Officer.

5. The brief facts of the case are that the marriage between the petitioner no.1 and the respondent no.2 got solemnised on 7th July, 2021 at Delhi, according to Hindu rites and ceremonies. There is no child from their wedlock.

6. Due to some temperamental issues in their marriage, disputes arose between the parties, after which, they started living separately since 18th July, 2021. Respondent no. 2/complainant filed the aforesaid FIR against the petitioners. However, with the intervention of the family members, relatives and well-wishers, the parties herein entered into a Memorandum of Understanding/settlement agreement dated 8th April, 2024 (“MoU” hereinafter), which is annexed as Annexure P-2 to the instant petition.

7. On a query made by this Court, respondent no.2 has categorically stated that she has entered into the aforesaid compromise on her own free will and without any coercive pressure as it is stated by respondent No.2 that the entire dispute has been amicably settled between the parties in terms of the aforesaid MoU.

8. It is submitted that since the parties have settled their disputes amicably, no useful purpose would be served in continuing with the said FIR and consequential proceedings arising from the said FIR.

9. Accordingly, it is prayed that the instant FIR and consequential proceedings emanating out therefrom be quashed on the basis of the 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** and ***Parbathbhai Aahir @ Parbathbai vs. State of Gujarat*,**



(2017) 9 SCC 641.

10. *Per Contra*, Mr. Satish Kumar, learned APP appearing 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 and subsequent proceedings emanating therefrom in view of the settlement arrived between the parties, however, cost may be imposed upon the petitioners as the FIR was registered in the year 2022 and a period of more than 2 years of the judicial time has been wasted.

11. Learned counsel appearing on behalf of the parties submitted that the parties undertake to abide by all the terms and conditions of the MoU.

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 Compromise Deed 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.

14. In the present case, it is observed that the respondent no.2/complainant, who is present in-person before this Court, has categorically stated that she has entered into compromise and settled the entire disputes amicably with the petitioners by her own free will without any pressure or coercion.

15. 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 Code of Criminal Procedure, 1973, 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, subject to the satisfaction of the Court that the said non-compoundable offences are private in nature and does not have a serious impact on the society.

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

17. 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 and the FIR bearing No.14/2022, dated 13th January, 2022, registered at Police Bara Hindu Rao, Delhi, for offences punishable under Sections 498-A/406/34 of the IPC and all consequential proceedings emanating therefrom are quashed, subject to the petitioners depositing the cost of Rs. 15,000/- (Rupees Fifteen Thousand Only) in the account of DHCBA Women Advocates Welfare Fund i.e., saving account no. 15530110172858 (IFSC-UCBA0001553), Bank Name- UCO Bank, Branch- Delhi High Court within two weeks.

18. Accordingly, the receipt of the aforesaid payment shall be furnished before the Registry of this Court within two weeks.

19. The petition alongwith pending application(s), if any, stands disposed of in the aforesaid terms.

CHANDRA DHARI SINGH, J

OCTOBER 16, 2024

NA/sm

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