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

+ **CRL.M.C. 7958/2024**

CHETAN ALIAS CHETAN SHARMA & ANR.Petitioners

Through: Ms. Preksha Jain, Advocate
(D/2181/2020) with petitioners in
person.

versus

THE STATE OF NCT OF DELHI & ANR ...Respondents

Through: Mr. Raghuinder Verma, APP with the
IO.
Mr. Rajan Sharma, (D/2951/2011)
Advocate for respondent No.2 with
R-2 in person.

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

% **08.10.2024**

CRL. M.A. 30371/2024

Exemption is allowed, subject to all just exceptions.

The application is disposed of.

CRL.M.C. 7958/2024

1. The instant petition under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter "Cr.P.C."), now under Section 528 of the Bhartiya Nagrik Suraksha Sanhita, 2023, has been filed by the petitioners praying for quashing of FIR bearing No. 103/2022 dated 11th February, 2022 registered at Police Station Karawal Nagar, Delhi, for offences punishable under Sections 498A/406/34 of the Indian Penal Code, 1860 (hereinafter "IPC") and Section 4 of the Dowry Prohibition Act, 1961.



2. The petitioners are present before this Court and have been identified by their counsel Ms. Preksha Jain and the Investigating Officer. 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 has categorically stated that she has entered into the mediation settlement dated 6th April, 2024, by her own free will and without any coercive 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 28th January, 2014 at Delhi, according to Hindu rites and ceremonies but due to some temperamental differences between them, they started living separately since 9th April, 2021. There is a girl child born out of their wedlock.

5. Despite several efforts at reconciliation, both the parties failed to settle their differences, due to which, the respondent No.2 filed a complaint against petitioner No.1 and his father before the CAW Cell, Nand Nagri, Delhi. Pursuant to the said complaint, the aforesaid FIR under Sections 498A/406/34 of the IPC and under Section 4 of the Dowry Prohibition Act, 1961, was registered against the petitioners on 11th February, 2022 at Police Station-Karawal Nagar.

6. With the intervention of family members, relatives and respected members of the society, both the parties entered into a mediation settlement dated 6th April, 2024 at Delhi Mediation Centre, Karkardooma Courts, Delhi. The terms and conditions of the settlement are mentioned in the mediation settlement, which is annexed as Annexure P-3 to the instant



petition.

7. Further, in pursuance of the aforesaid mediation settlement, the parties jointly moved for divorce under Section 13B(1) and under Section 13B(2) of the Hindu Marriage Act, 1955 (HMA for short), pursuant to which, the marriage was dissolved *vide* decree of divorce dated 7th September, 2024, passed by the Family Court.

8. It is submitted that respondent No.2 has settled all her claims in respect of her *stridhan*, marriage expenses, claims of past, present and future maintenance and permanent alimony etc. with the petitioners towards full and final settlement in the sum of Rs. 5,00,000 /- (Rupees Five Lakhs) and all disputes of any nature whatsoever. It is submitted that a total sum of Rs. 5,00,000/- has already been paid by the petitioner No.1 to respondent No.2.

9. It is prayed that the instant FIR be quashed on the basis of the mediation settlement dated 6th April, 2024 as well as in terms of 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. 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.

11. Heard learned counsel for the parties and perused the material available on record including the mediation settlement dated 6th April, 2024.

12. 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 which has been entered into is on the basis of the free will of the respondent No.2 and has not been imposed upon her by the petitioner or any person related to him.

13. In the present case, the complainant is present in the Court and has categorically stated that she has entered into the aforesaid mediation settlement and has settled all the disputes amicably with the petitioners by her own free will and 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 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.

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 dispute without any pressure. Therefore, in view of the settlement arrived at between the parties and the law laid down by the Hon'ble Supreme Court in the above referred cases, the present petition is allowed.

17. Accordingly, FIR bearing No. 103/2022 registered at Police Station Karawal Nagar, Delhi, for offences punishable under Sections 498A/406/34 of the IPC and Section 4 of the Dowry Prohibition Act, 1961 and proceedings emanating therefrom are quashed. For the minor child, it is directed that upon attaining the age of majority, the child would be having the right to claim rights in the property of the father and in ancestral properties in accordance with law.

18. The petition alongwith pending application, if any, stands disposed of.

CHANDRA DHARI SINGH, J

OCTOBER 8, 2024
NA/sm

Click here to check corrigendum, if any