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

+ CRL.M.C. 7963/2024

VIPUL JAIN & ORS

.....Petitioners

Through: Mr. Sanjeev Kumar, Advocate.

versus

THE STATE GOVT. OF NCT OF DELHI AND ANR.

....Respondents

Through: Mr. Yudhvair Singh Chauhan, APP
along with SI Vinay.

Mr. Sarthak Gupta, Mr. Prashant
Sharma and Ms. Atti Tyagi,
Advocates for R-2.

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

08.10.2024

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1. The instant petition under Section 482 of the Code of Criminal Procedure, 1973 (now Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023) has been filed by the petitioner praying for quashing of FIR bearing No.390/2018 registered at Police Station Shakarpur, New Delhi, for offences punishable under Sections 498A/406/34 of the Indian Penal Code, 1860 (hereinafter "IPC") and consequential proceedings pending before the learned M.M (Mahila Court), District East, Karkardooma Courts, Delhi.

2. The petitioners are present through VC before this Court and have been identified by their counsel Mr. Sanjeev Kumar and the Investigating Officer. The respondent No.2 is also physically 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 compromise on 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 the respondent No.2 was solemnized on 24th November, 2016 according to Hindu rites and ceremonies.

5. The respondent No. 2 suffered cruelty on various instances due to temperamental differences and dowry demands made by the petitioners. Both the parties tried to reconcile the matter but the same could not succeed. On 15th August, 2018, the present FIR got registered on the complaint of the respondent No.2 against the petitioners, pursuant to which, chargesheet dated 19th November, 2019 in the aforesaid FIR was filed.

6. With the intervention of common friends, family members and well-wishers of the parties, the petitioner No.1 and respondent No.2 have entered into a Memorandum of Understanding (“MoU” hereinafter) dated 25th August, 2024, which is appended as Annexure P-6 to the instant petition and amicably settled all their disputes and started living together in a rented accommodation as per the terms and conditions of the settlement as mentioned in the aforesaid MoU.

7. Learned counsel appearing on behalf of the petitioners submitted that since the parties have entered into the MoU dated 25th August, 2024 and have amicably settled all their disputes and started living together happily, the instant FIR be quashed on the basis of the same 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.

8. Mr. Yudhvir Singh Chauhan, learned APP for State has no objection to the quashing of the instant FIR on the basis of the MoU.

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

10. 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 the complainant on her own free will and no coercive pressure has been imposed upon her by the petitioner or any person related to him.

11. In the present case, the complainant is present in the Court and has categorically stated that she has entered into compromise and settled the entire dispute amicably with petitioner No.1 and his family members by her own free will and without any pressure or coercion and thus, the parties have started living together in a rented accommodation. There is also no allegation from respondent No. 2 that the conduct and antecedents of petitioners have been bad towards her after the compromise.

12. 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.

13. Therefore, it is observed that various Courts have repeatedly held that in the interest of justice, the cases arising out of matrimonial differences shall be quashed in light of an amicable settlement reached between the parties.

14. In the instant case, as stated above, the parties have reached on the compromise and amicably settled the entire disputes without any pressure and have proceeded to live together happily as there is no objection on behalf of the State. Thus, this Court finds that no useful purpose would be served by keeping the matter pending. In view of the MoU 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.

15. Accordingly, FIR bearing No.390/2018 registered at Police Station Shakarpur, New Delhi, for offences punishable under Sections 498A/406/34 of the IPC and proceedings emanating therefrom, pending before the learned M.M (Mahila Court), District East, Karkardooma Courts, Delhi, are quashed.

16. Accordingly, the petition stands disposed of.

CHANDRA DHARI SINGH, J

OCTOBER 8, 2024

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Click here to check corrigendum, if any