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

+ **CRL.M.C. 8041/2024**

MR. SAHIL CHOUDHARY & ORS.

.....Petitioners

Through: Ms.Sonakshi Monga and Ms.Arushi
Kohli, Advocates

versus

STATE OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr.Yudhvir Singh Chauhan, APP for
the State alongwith SI Mukesh
Yadav, P.S. Hari Nagar
Mr.Sachin Upadhyay, Advocate for
R-2

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

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15.10.2024

CRL.M.A. 30730/2024 (Exemption)

Exemption allowed subject to just exceptions.

The application stands disposed of.

CRL.M.C. 8041/2024

1. The instant petition under Section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023 (hereinafter “BNSS”) read with Section 482 of the Code of Criminal Procedure, 1973 (hereinafter “Cr.P.C.”) has been filed by the petitioners praying for quashing of FIR bearing No. 336/2021 registered at Police Station Hari Nagar, District West, Delhi, for offences punishable under Sections 498A/406/34 of the Indian Penal Code, 1860 (hereinafter “IPC”).



2. The petitioner No.1 is present before this Court and petitioners No.2 and 3 are present through Video Conferencing and have been identified by their counsel Ms.Sonakshi Monga and Investigating Officer SI Mukesh Yadav, Police Station Hari Nagar, District West, Delhi. The respondent No.2 is also present in the Court and has been identified by her counsel Mr.Sachin Upadhyay, Enrol No. D/6093/19 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 the marriage between the petitioner and respondent No.2 was solemnized on 5th March, 2018 at New Delhi, according to Hindu rites and ceremonies, but due to some temperamental differences between them, they started living separately since 2020. There is no child born out of their wedlock.

5. Despite several efforts of reconciliation, both the parties could not settle the differences. The respondent no.2 lodged the aforesaid FIR against all the petitioners on 29th June, 2021.

6. With the intervention of family members and relatives, both the parties entered into settlement on 27th July, 2024. The terms and conditions of the said settlement are mentioned in the settlement deed which is annexed as Annexure P-3 to the petition.

7. Further, in pursuance of the said settlement, the parties moved for divorce under the Hindu Marriage Act, 1955 (hereinafter "HMA"). The petitioner No.1 and respondent No.2 filed their first motion of the divorce by filing a petition under Section 13B(1) of HMA on 30th July, 2024 before



the Principal Judge, Family Court, District West, Tis Hazari Court, Delhi. The parties moved second motion of the divorce by filing a petition under Section 13B(2) of HMA was filed by the parties and the marriage between petitioner No. 1 and respondent No. 2 stood dissolved by mutual consent vide order dated 13th August, 2024.

8. It is submitted that respondent No.2 has settled all her claims in respect of her dowry articles, stridhan, marriage expenses, jewellery, gift items and claims of past, present and future maintenance and permanent alimony with the petitioner for a sum of Rs.12,00,000/- (Rupees Twelve Lac only) and all disputes of any nature whatsoever, out of which the remaining amount of Rs.4,00,000/- (Rupees Four Lac only) was agreed to be paid at the time of quashing of the FIR.

9. The petitioner has handed over a Demand Draft bearing No.686420 for the balance amount of Rs.4,00,000/- dated 3rd October, 2024 in the name of respondent No.2 today in the Court. The respondent No.2 has verified the particulars of the Demand Draft to her satisfaction and stated them to be correct.

10. It is prayed that the instant FIR be quashed on the basis of settlement dated 27th July, 2024 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***.

11. 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.

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 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. 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. 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.

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 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.

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. Accordingly, FIR bearing No. 336/2021 registered at Police Station Hari Nagar, District West, Delhi, for offences punishable under Sections 498A/406/34 of the IPC and all consequential proceedings emanating therefrom are quashed.

18. The petition alongwith pending application stands disposed of.

CHANDRA DHARI SINGH, J

OCTOBER 15, 2024

Dy/mk

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