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

+ CRL.M.C.8067/2024, CRL.M.As.30832/2024 & 30833/2024

AVDHESH VISHVKARMA

.....Petitioner

Through: Ms. Gulshan Jahan, Mr. Surya Kamal Mishra and Mr. Murshlin Ansari, Advocates alongwith petitioner in person

versus

STATE OF NCT (DELHI)

.....Respondent

Through: Mr. Satish Kumar, APP for the State with SI Abhay Bhati, P. S. Madhu Vihar.
Respondent No.2 in person.

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER
21.10.2024

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1. The instant petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (“BNSS” hereinafter) has been filed by the petitioner seeking quashing of FIR bearing No.528/2016 dated 15th October, 2016, registered at Police Madhu Vihar, New Delhi, for offences punishable under Sections 498A/406 of the Indian Penal Code, 1860 (hereinafter “IPC”) and consequential proceedings pending before the learned Judicial Magistrate First Class (Mahila Court)-02, District East, Karkardooma Courts, Delhi.

2. The petitioner is present in person before this Court and has been identified by his counsel Ms. Gulshan Jaha, Advocate and the Investigating Officer. The respondent No.2 is also physically present before this 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 a 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 9th May, 1993 according to Hindu rites and ceremonies.

5. Due to temperamental differences and dowry demands made by the petitioner, the respondent No. 2 suffered cruelty on various instances. Both the parties tried to reconcile the matter but the efforts turned futile. In view of the same, the respondent No.2 lodged the present FIR at Police Station Madhu Vihar against the petitioner, pursuant to which, after investigation, chargesheet dated 8th October, 2017 in the aforesaid FIR was filed.

6. The respondent No.2 also filed a complaint under Section 498A, 494 and 323 of the IPC at Police Station Jahanganj, District- Ajamgarh, Uttar Pradesh.

7. Meanwhile, the respondent No.2 filed a petition under Section 482 of the Code of Criminal Procedure, 1973("Cr.P.C." hereinafter), (Now under Section 528 of the BNSS) bearing Application No. 47675 of 2019 before the Allahabad High Court, wherein, the parties were referred to mediation.

8. Learned counsel appearing for the petitioner submitted that both the parties have settled their disputes before the Allahabad High Court Mediation and Conciliation Centre, and the petitioner No.1 and respondent No.2 have entered into a Settlement Agreement dated 3rd March, 2022, executed by the aforesaid mediation centre. The same is appended as



Annexure P-5 to the instant petition and as per the terms and conditions of the aforesaid agreement, the parties have started living together and the petitioner husband shall continue to deposit Rs. 6,000/- per month in the account of the respondent wife.

7. Learned counsel appearing on behalf of the petitioner submitted that in view of the aforesaid settlement agreement, the FIR lodged at Police Station Jahanganj, District- Ajamgarh, Uttar Pradesh has been quashed by the Allahabad High Court.

8. It is submitted that since the aforesaid FIR has already been quashed and the parties have amicably settled all their disputes and started living together happily, it is prayed that the instant FIR be quashed on the basis of the same and as per the Judgments 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. Satish Kumar, learned APP for State has no objection to the instant prayer seeking quashing of the FIR which is registered at Police Station – Madhu Vihar, Delhi, on the basis of the aforesaid facts and settlement between the parties.

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 on her own free will and without any pressure or coercion and thus, the parties have started living together. There is also no further 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 before the concerned mediation center and amicably settled their dispute without any pressure and have proceeded to live together happily as there is no objection on behalf of the State. It is also stated that the Allahabad High Court has already quashed a complaint which is pertaining to the instant case. Thus, this Court finds that no useful purpose would be served by keeping the matter pending. In view of the Settlement



Agreement dated 3rd March, 2022 executed by the Allahabad High Court Mediation and Conciliation Centre 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.528/2016 registered at Police Station Madhu Vihar, New Delhi, for offences punishable under Sections 498A/406 of the IPC and consequential proceedings pending before the learned Judicial Magistrate First Class (Mahila Court)-02, District East, Karkardooma Courts, Delhi, are quashed.

16. Accordingly, the petition stands disposed of alongwith pending applications, if any.

CHANDRA DHARI SINGH, J

OCTOBER 21, 2024
NA/sm

Click here to check corrigendum, if any