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

+ **CRL.M.C. 8110/2024**

NITIN MITTAL & ORS.

.....Petitioners

Through: Mr. Mohit Dhama, Advocate along
with petitioners in person.

versus

THE STATE GOVT. OF NCT OF DELHI AND ANR.

.....Respondents

Through: Mr. Satish Kumar, APP for the State
along with SI Neha Poonia, PS-
Mansarovar Park and W/ASI Usha,
PS- Vivek Vihar
Mr. Vipin Gupta, Advocate for R-2
along with respondent no. 2 in
person.

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

% **15.10.2024**

CRL.M.A. 31031/2024 (Exemption).

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

CRL.M.C. 8110/2024.

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. 0032/2021 registered at Police Station Mansarovar Park, Delhi, for offences punishable under Sections 498-A/323/354/506/509/34 of the Indian Penal Code, 1860 (hereinafter "IPC") & Section 4 of Dowry Prohibition Act, 1961.

4. The petitioners are present before this Court and have been identified the Investigating Officer and their counsel, Mr. Mohit Dhama, Advocate



(Enrol. No. D/4598/2020) 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 14th December, 2015 at Delhi, according to Hindu rites and ceremonies. There is one girl child born out of their wedlock.

6. Due to some temperamental issues in their marriage, disputes arose between the parties, and respondent no. 2 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 settlement vide Compromise Deed dated 10th October, 2023, which is annexed as Annexure-B to the instant petition.

7. 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 and that the respondent no. 2 is now living with her husband i.e., petitioner no. 1

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, chargesheet and consequential proceedings emanating therefrom be quashed on the basis of the Compromise Deed dated 10th October, 2023 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, APP for the State submitted that in case this Court is inclined to allow the instant petition and to quash the FIR in question in view of the settlement arrived at between the parties, cost may be imposed upon the petitioners as the FIR was registered in the year 2021 and a period of more than 3 years of judicial time is wasted.

11. 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 vide the Compromise Deed.

12. Learned counsel appearing on behalf of the parties undertake to abide by all the terms and conditions of the Compromise Deed.

13. Heard learned counsel for the parties and perused the record.

14. 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. In the present case, the complainant is present in-person before this Court and 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 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.

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. 0032/2021 registered at Police Station Mansarovar Park, Delhi, for offences punishable under Sections 498-A/323/354/506/509/34 of the IPC and Section 4 of Dowry Prohibition Act, 1961 and all consequential proceedings emanating therefrom are quashed, subject to the deposit of the cost of Rs. 25,000/- (Rupees Twenty Five 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. The receipt to the payment of the aforesaid cost shall be furnished before the Registry of this Court within two weeks.

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

CHANDRA DHARI SINGH, J

OCTOBER 15, 2024/Rk/mk [Click here to check corrigendum, if any](#)