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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 8223/2024 & CRL.M.A. 31414/2024 & CRL.M.A.
31416/2024

ASHISH SHARMA & ORS.Petitioners

Through: Mr. Krishna Yadav, Mr. Basant
Chauhan, Mr. Rahul Bhaduriya,
Advocates along with petitioners in
person

versus

THE STATE OF NCT OF DELHIRespondent

Through: Mr. Aman Usman, APP for State
Mr. Trilok Chand, Advocate for R-2
along with respondent no. 2 in person

CORAM:
HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER
% **18.10.2024**

CRL.M.A. 31415/2024 (Exemption)

Exemption allowed subject to just exceptions.

The application stands disposed of.

CRL.M.C. 8223/2024

1. The instant petition under Section 482 of the Code of Criminal Procedure, 1973(hereinafter "Cr.P.C.") read with Section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023 (hereinafter "BNSS") has been filed by the petitioners praying for quashing of FIR bearing No. 0415/2022 dated 28th October, 2022 registered at Police Station Tigri, South Delhi



District for offences punishable under Sections 498A/406/34 of the Indian Penal Code, 1860 (hereinafter “IPC”).

2. The brief facts of the case are that the marriage between the petitioner no. 1 and respondent no.2 got solemnized on 4th May, 2021 at Delhi according to Hindu rites and ceremonies but due to some temperamental differences between them, they started living separately since 29th November, 2021. No child was born out of their wedlock.

3. Despite several efforts of reconciliation, both the parties could not settle the differences. Pursuant to the same, the respondent no.2 filed a complaint with the CAW Cell on 17th May, 2022 which led to the registration of the aforesaid FIR against the petitioners on 28th October, 2022.

4. With the intervention of family members and relatives, both the parties entered into settlement *vide* Memorandum of Understanding dated 20th December, 2023 (hereinafter “MOU”). The terms and conditions of the said settlement are mentioned in the MOU which is annexed as Annexure P-3 to the petition.

5. On 9th July, 2024, the marriage of the petitioner no. 1 and respondent no. 2 has been dissolved by mutual consent *vide* divorce decree dated 9th July, 2024 passed by the learned Judge, Family Court, South District, Saket, Delhi.

6. 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 with the petitioners for a sum of Rs. 1,60,000/- and all disputes of any nature whatsoever, out of which the remaining amount of Rs.50,000/- was agreed to be paid at the



time of quashing of the FIR. It is submitted that the respondent no. 2 has already received the entire amount as per the terms of the MOU.

7. The petitioners no. 1 to 7 are present before this Court and have been identified by their counsel, Mr. Krishna Yadav, Advocate and Investigating Officer. It is submitted that during the pendency of the petition, petitioner no. 8 has expired and the Investigating Officer has fairly conceded to the aforesaid fact. The respondent no. 2 is also present before this Court and has been identified by her counsel and the Investigating Officer.

8. 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. The parties also undertook that they shall abide the terms and conditions of the MOU arrived at between the parties.

9. In view of the above aforesaid, it is prayed that the instant FIR be quashed on the basis of MOU and as per the judgments 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 record.

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 has been entered into by her own free will and has not been imposed upon her by the petitioners 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 dispute amicably with the petitioners 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 MOU, the respondent no. 2 has received the entire settled amount.

13. 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.

14. 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.



15. In the instant case, as stated above, the parties have reached at a compromise and amicably settled the entire dispute without any pressure.

16. 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. Accordingly, FIR bearing No. 0415/2022 dated 28th October, 2022 registered at Police Station Tigri, South Delhi District for offences punishable under Sections 498A/406/34 of the IPC and all consequential proceedings emanating therefrom are quashed.

17. The petition alongwith pending applications, if any, stand disposed of.

CHANDRA DHARI SINGH, J

OCTOBER 18, 2024

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