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

+ **W.P.(CRL) 3317/2024**

AMIT KUMAR & ORS.

.....Petitioners

Through: **Ms. Muskan Mahajan, Advocate.**

versus

THE STATE OF GNCT OF DELHI & ANR.Respondents

Through: **Mr. Anand V Khatri, ASC for the
State along with SI Jatin Kaushik,
PS- Raj Park.
Mr. Abhishek and Mr. Anmol
Kumar, Advocates for R-2.**

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

23.10.2024

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1. The instant petition under Article 226 of the Constitution of India, 1950 read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter "BNSS") has been filed by the petitioners praying for quashing of FIR bearing No. 201/2023 dated 10th April, 2023 registered at Police Station - Raj Park, New Delhi, 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 9th November, 2019 at Community Centre, P-Block, Mangolpuri, New Delhi according to Hindu rites and ceremonies but due to some temperamental differences between them, they started living separately since 3rd August, 2020. No child was



born out of their wedlock.

3. With the intervention of family members and relatives, both the parties entered into settlement vide Settlement Deed dated 1st July, 2024. The terms and conditions of the said settlement are mentioned in the Settlement Deed which is annexed as Annexure P-10 to the instant petition.

4. It is submitted that on 8th February, 2023, the petitioner no. 1 filed a petition under Section 13-B (1) of the Hindu Marriage Act, 1955 (hereinafter “HMA”) before the learned Principal Judge, Family Court, North-West, Rohini Courts, Delhi (hereinafter “Family Court”) and *vide* judgment/order dated 19th December, 2023, the Family Court allowed the first motion of divorce and on 19th July, 2024, the parties were granted a decree of divorce under Section 13-B (2) of the HMA.

5. 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 petitioner for a sum of Rs. 10,00,000/- and all disputes of any nature whatsoever, out of which the remaining amount of Rs.3,50,000/- was agreed to be paid at the time of quashing of the aforesaid FIR. It is submitted that the respondent no. 2 has already received a sum of Rs. 6,50,000/- as per the terms of the Settlement Deed, which was agreed by the respondent no. 2 before this Court as well.

6. The petitioner no. 1 has handed over a Demand Draft bearing No.440040 for the balance amount of Rs.3,50,000/- dated 19th 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.



7. All the petitioners are present in person before this Court and they have been identified by their counsel, Ms. Gurmeet Kaur Kapur, Advocate (Enrl. No. D/1537/05) and Investigating Officer SI Purvi Ahlawat, Police Station - Raj Park. The respondent no. 2 is also present in the 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 Settlement Agreement arrived at between the parties.

9. It is prayed that the instant FIR be quashed on the basis of Settlement Deed dated 1st 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**.

10. *Per contra*, Mr. Anand V Khatri, ASC for the State submitted that there is no objection 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 Deed arrived at between the parties, however, it is submitted that cost may be imposed upon the petitioners as the aforesaid FIR was registered in the year 2023 and a period of more than 1 year of judicial time has been wasted.

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

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 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 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.

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. Accordingly, FIR bearing No. 201/2023 dated 10th April, 2023 registered at Police Station - Raj Park, New Delhi, for offences punishable under Sections 498A/406/34 of the IPC and all consequential proceedings emanating therefrom are quashed, subject to the deposition of the cost of Rs. 10,000/- (Rupees Ten 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 a period of two weeks.

18. The receipt to the payment of the aforesaid cost shall be furnished before the Registry of this Court as well as the Investigating Officer within two weeks.

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

CHANDRA DHARI SINGH, J

OCTOBER 23, 2024

Rk/mk

Click here to check corrigendum, if any