



\$~21

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

+ **CRL.M.C. 8548/2024**

SH SURESH KUMAR GUPTA & ORS.Petitioners

Through: Mr. Anurag Sharma, Mr. Lokesh Kumar Aggarwal, Mr. Phillip Massey and Ms. Ruchi Mathur, Advocates
Mr. petitioners in person.

versus

STATE OF NCT OF DEHI & ANR.Respondents

Through: Mr. Satish Kumar, APP for the State along with SI Anil Kumar, PS-Paschim Vihar
Respondent No.2 in person.

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

% **18.11.2024**

1. The instant petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter "BNSS") has been filed by the petitioners praying for quashing of FIR bearing No. 86/2020 registered at Police Station - Paschim Vihar East, 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. 3 and respondent no.2 got solemnized on 9th May, 2016 at Delhi according to Hindu rites and ceremonies but due to some temperamental differences between them, they started living separately since 18th October, 2018. No child was born out of their wedlock.



3. Despite several efforts of reconciliation, both the parties could not settle the differences and on the complaint of respondent No.2, the aforesaid FIR was registered against the petitioners on 3rd September, 2021.

4. With the intervention of family members and relatives, both the parties entered into settlement vide Memorandum of Understanding (MOU) dated 3rd June, 2024. The terms and conditions of the said settlement are mentioned in the aforesaid MOU. Learned counsel for the petitioner handed over a hard copy of the aforesaid MOU, which is taken on record.

5. Pursuant to a joint petition filed by petitioner no. 3 and respondent no. 2 under Section 13-B (1) of the Hindu Marriage Act, 1955 (hereinafter “HMA”) before learned Additional Judge, Family Court, West District, Tis Hazari Courts, Delhi, first motion of divorce was granted vide order dated 26th July, 2024 and further, vide judgment/order dated 20th August, 2024, the aforesaid Court allowed the second motion of divorce and the parties were granted decree of divorce under Section 13-B (2) of the HMA.

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 petitioner for a sum of Rs.78,00,000/- and all disputes of any nature whatsoever, out of which the remaining amount of Rs.26,00,000/- was agreed to be paid at the time of quashing of the FIR. It is submitted that the respondent no. 2 has already received a sum of Rs. 52,00,000/- as per the terms of the Settlement Agreement.

7. The petitioner no. 3 has handed over a Demand Draft bearing No. 64445 for the balance amount of Rs.26,00,000/- dated 14th November, 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.

8. All the petitioners are present before this Court. They have been identified by their counsel, Mr. Anurag Sharma, Advocate and the Investigating Officer. The respondent no. 2 is also present in the Court and has been identified by the Investigating Officer.

9. 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.

10. It is prayed that the instant FIR be quashed on the basis of MOU dated 3rd June, 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 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.

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. 86/2020 registered at Police Station Paschim Vihar East, 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 applications, if any, stand disposed of.

CHANDRA DHARI SINGH, J

NOVEMBER 18, 2024
NA/mk

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