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

+ **CRL.M.C. 8567/2024**

DEEPAK SHARMA AND OTHERS

.....Petitioners

Through: Mr. Mahendra, Mr. Nitish Kumar,
Ms. Priya Nagar, Mr. Suhail Khanna
and Mr. Mahesh Tanwar, Advocates
along with petitioners in person.

versus

THE STATE GOVT. OF NCT OF DELHI AND NAR.

.....Respondents

Through: Mr. Satish Kumar, APP for the State
along with SI Reena.
Ms. Rakhee Gupta, Advocate for R-2
along with respondent no. 2 in
person.

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

20.11.2024

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1. The instant petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter "BNSS") (earlier Section 482 of the Code of Criminal Procedure, 1973 (hereinafter "Cr.P.C.)) has been filed by the petitioners praying for quashing of FIR bearing No. 325/2017 registered at Police Station Ranjit Nagar, 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 28th April, 2015 according to



Hindu rites and ceremonies but due to some temperamental differences between them, they started living separately since September, 2015. One female child was born out of their wedlock who is at exclusive care and custody of her mother i.e., respondent no. 2.

3. During the time of separation, the respondent no. 2 submitted a complaint with the CAW Cell, Kamla Nagar, Delhi which led to the registration of the aforesaid FIR against the petitioner on 13th November, 2017.

4. Both the parties entered into a settlement on 26th May, 2023 to amicably resolve their disputes, which was recorded in the order passed by the learned ASJ-03, Tis Hazari Courts, Delhi. The terms and conditions of the said settlement are mentioned in the said order which is annexed as Annexure P-2 to the petition.

5. The petitioner no. 1 and respondent no. 2 filed a joint petition under Section 13-B(2) of the Hindu Marriage Act, 1955 (hereinafter “HMA”) before the learned Judge, Family Court, West District, Tis Hazari Courts, Delhi and vide order dated 4th June, 2024, the learned Judge, Family Court, West, Tis Hazari Courts, Delhi allowed the petition 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 the claims arising out her matrimonial relationship with the petitioner, which include permanent alimony and maintenance of her minor child till she attains the age of 18 years, for a sum of Rs. 8,50,000/-, out of which the remaining amount of Rs.2,00,000/- 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. 6,50,000/- as per the terms of the Settlement *vide* order dated 26th May,



2023.

7. The petitioner no. 1 has handed over a Demand Draft bearing No.001130 for the balance amount of Rs.2,00,000/- dated 25th September, 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 petitioners are present before this Court. They have been identified by their counsel, Mr. Mahendra, Advocate and Investigating Officer SI Reena, Police Station Ranjit Nagar, Delhi. The respondent no. 2 is also present in the Court and has been identified by her counsel, Ms. Rakhee Gupta and 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 by 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 Settlement *vide* order dated 26th May, 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***.

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 the victim and the 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 the 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 improper 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 do 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 powers of 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 conscience 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 arrived at a 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. 325/2017 registered at Police Station Ranjit Nagar, Delhi, for offences punishable under Sections 498A/406/34 of the IPC and all consequential proceedings emanating therefrom are quashed.

18. The petition along with pending applications, if any, stand disposed of.

CHANDRA DHARI SINGH, J

NOVEMBER 20, 2024
Rk/mk

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