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

+ **CRL.M.C. 8587/2024**

SH AMIT MITTAL AND ORS

.....Petitioners

Through: Mr. Ajay Khatana, Mr. Aakash
Goswami, Mr. J.K. Sharma,
Advocates with petitioners in person.

versus

**THE STATE (THROUGH S.H.O. P.S. VIJAY VIHAR, DELHI)
AND ANR**

.....Respondents

Through: Mr. Satish Kumar, APP for State with
SI Rajesh Kumar
Complainant in person through VC

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

04.12.2024

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Crl.M.A. No. 32816/2024

Exemption allowed, subject to just exceptions.

The application stands disposed of.

Crl.M.C. No. 8587/2024

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 on behalf of the petitioners praying for quashing of FIR bearing No. 117/2019 registered at Police Station - Vijay Vihar, Delhi for offences punishable under Sections 498-A/406/34 of the Indian Penal Code, 1860 (hereinafter



“IPC”).

2. The brief facts of the case are that the marriage between the petitioner and respondent no.2 got solemnized on 5th June, 2016 at Delhi according to Hindu rites and ceremonies but due to some temperamental differences between them, they started living separately since 6th December, 2018. One femal child namely Baby Anvi was born out of their wedlock.

3. Despite several efforts of reconciliation, both the parties could not settle the differences. The respondent no.2 submitted a complaint, which led to the registration of the aforesaid FIR against the petitioner.

4. With the intervention of family members and relatives, both the parties entered into settlement agreement vide Settlement Deed dated 28th May, 2024. The terms and conditions of the said settlement are recorded in the Settlement Agreement which is annexed as Annexure P-3 to the instant petition.

5. The petitioner no. 1 and respondent no. 2 filed a joint petition under Section 13-B(1) of the Hindu Marriage Act, 1955 (hereinafter “HMA”) before the learned Judge, Family Court, North-West District, Rohini Courts, Delhi (hereinafter “Family Court”) and vide order/judgment dated 20th September, 2024, learned Family 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. 37,00,000/- /- and all disputes of any nature whatsoever. It is submitted that the respondent no. 2 has already received a sum of Rs.



37,00,000/- as per the terms of the Settlement Agreement.

7. The petitioner nos. 2 is present before the Court *via* Video Conferencing and petitioners nos. 1 and 3 are present in-person. They have been identified by the Investigating Officer. The respondent no. 2 (appearing through Video Conferencing) is also present in the Court and has been identified by 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.

9. It is prayed that the instant FIR be quashed on the basis of **order dated 23rd August, 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. 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. However, he apprised the Court that as per the contents of the Settlement Agreement, the rights of the child

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 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 petitioner 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.

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 CrPC 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.

15. In the instant case, as stated above, the parties have reached on the compromise and amicably settled the entire disputes 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 No.117/2019, registered at Police Station Vijay Vihar, Delhi for offences punishable under Sections 498-A/406/34 of the IPC and all consequential proceedings emanating therefrom are quashed. It is clarified that the rights of the minor child are to be reserved qua maintenance in accordance with the law.

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

CHANDRA DHARI SINGH, J

DECEMBER 4, 2024
SV/MK

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