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

+ W.P.(CRL) 3419/2024

INDER PAL SINGH & ORS.Petitioner

Through: Mr. Rahul Kumar, Advocate.

versus

STATE NCT OF DELHI AND ANR.Respondent

Through: Mr. Amol Sinha, ASC with Mr.
Kshitiz Garg, Advocate with SI Arun
Kumar.

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

% **18.12.2024**

CRL.M.A. 32870/2024 (Exemption)

Exemption allowed subject to just exceptions.

The application stands disposed of.

W.P.(CRL) 3419/2024

1. The instant petition under Articles 226/227 of the Constitution and under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter "BNSS") [(earlier Section 482 of the Code of Criminal Procedure, 1973(hereinafter "CrPC"))] has been filed by the petitioners praying for quashing of FIR bearing No. 0130/2024 registered at Police Station – Hazrat Nizamuddin, 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 19th January, 2011 at Delhi according to Sikh rites and ceremonies but due to some temperamental



differences between them, they started living separately since 12th August, 2023. There are two children out of their wedlock.

3. Despite several efforts of reconciliation, both the parties could not settle the differences. Respondent no.2 filed a complaint with the CAW Cell, South Delhi, which ultimately led to registration of the instant FIR against the petitioner.

4. Learned Counsel for the petitioner submitted that with the intervention of family members and relatives, both the parties amicably settled the matter and executed Memorandum of Understanding (hereinafter “MoU”) dated 21st August, 2024 and are living together peacefully. The terms of the settlement are mentioned in the MoU, which is annexed as Annexure A-2 to the petition.

5. It is submitted that respondent no.2 has settled all her claims in respect of her maintenance, alimony and past, present and future maintenance with the petitioner for a sum of Rs. 22,00,000/- which has already been paid in accordance with the terms of the Settlement Agreement.

6. It is prayed that the instant FIR be quashed on the basis of the MoU between the parties.

7. 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.

8. Heard learned counsel for the parties and perused the record.

9. 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.

10. 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.

11. 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 conscience of the society and that the compromise between the parties is voluntary and amicable.

12. The petitioners are present before this Court and have been identified by their counsel, Mr. Rahul Kumar, Advocate and the Investigating Officer. The respondent no. 2 is also present in the Court and has been identified by the Investigating Officer.

13. On the query made by this Court, respondent no.2 has categorically stated that she settled the matter on her own free will and without any



pressure. She also admitted to have already received Rs. 22,00,000/- from the petitioners in terms of the settlement.

14. There is also no allegation from respondent no.2 that the conduct and antecedents of petitioners have been bad towards her after the compromise. Moreover, the petitioner no. 1 and respondent no. 2 reconciled their differences and are living together peacefully.

15. In the instant case, as stated above, the parties have reached on the compromise and amicably settled the entire disputes without any pressure and have been living together.

16. In view of the settlement arrived at between the parties, law laid down by the Hon'ble Supreme Court and the fact that they living together, the present petition is allowed. Accordingly, FIR bearing No. 0130/2024 registered at Police Station – Hazrat Nizamuddin, Delhi 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

DECEMBER 18, 2024
NA/st

Click here to check corrigendum, if any