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

+ **CRL.M.C. 8623/2024**

NIKHIL AND ORS

.....Petitioner

Through: Mr. Pranay Abhishekh and Mr.
Sachin Kumar, Advocates with
petitioners in person.

versus

STATE GOVT. OF NCT OF DELHI AND ANR.Respondent

Through: Mr. Satish Kumar, APP with ASI
Pramod, PS-Burari
Respondent No.2 in person.

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

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04.11.2024

CRL.M.A. 32980/2024 (Exemption)

1. Exemption is allowed, subject to all just exceptions.
2. The application stands disposed of.

CRL.M.C. 8623/2024

3. 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. 669/2022 registered at Police Station Burari, Delhi, for the offences punishable under Sections 498A/406/34 of the Indian Penal Code, 1860 (hereinafter "IPC").
4. The brief facts of the case are that the marriage between the petitioner no. 1 and respondent no.2 got solemnized on 24th February, 2018 at Delhi according to Hindu rites and ceremonies. No child was borne out of the said



wedlock.

5. However, due to some temperamental differences between the parties, they started living separately since 24th June, 2019. Pursuant to the same, the instant FIR was registered on the basis of the complainant filed by the respondent no. 2/complainant against the petitioners. Therefore, the instant matter is pending and the same is listed on 4th December, 2024 before the learned Trial Court.

6. With the intervention of family members and relatives, both the parties entered into a settlement on 2nd August, 2023, as a result of which, the petitioner no.1 and respondent no.2 have given a joint-statement dated 19th January, 2024, before the learned Family Court, stating that there is no possibility of reconciliation on account of temperamental differences. The joint statement made by the parties under Section 13B(2) of the Hindu Marriage Act, 1955 (“HMA” hereinafter) is appended as Annexure-C to the instant petition.

7. As per paragraph no. 4 of the said annexure, petitioner no.1 has agreed to pay a sum of Rs. 2,50,000/- as full and final settlement to respondent no.2 towards all her claims. It is informed that Rs.75,000/- was transferred to the bank account of respondent no.2 at the time of recording of joint statement during first motion of divorce and the second instalment of Rs.75,000/- was paid at the time of recording of joint statement in second motion of divorce by mutual consent. Accordingly, the balance amount i.e. Rs.1,00,000/- was agreed to be paid at the time of quashing of the instant FIR.

8. Furthermore, in terms of the settlement, the petitioner no. 1 and respondent no. 2 filed a joint petition under Section 13-B (2) of the HMA



and *vide* judgment/order dated 19th January, 2024, the learned Principal Judge, Family Court, Central District, Tis Hazari Courts, Delhi granted a decree of divorce under Section 13-B (2) of the HMA.

9. The petitioners are present in person before this Court. They have been identified by their counsel and Investigating Officer. The respondent no. 2 is also present in person before this Court and has been identified by the Investigating Officer.

10. The petitioner no. 1 has handed over a cheque bearing no. 995263 dated 4th November, 2024 for the balance amount of Rs.1,00,000/- in the name of respondent no.2 before this Court today. The respondent no.2 has verified the particulars of the cheque to her satisfaction and stated them to be correct.

11. 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 arrived at between the parties.

12. Therefore, in view of the aforesaid facts and circumstances, it is prayed that the instant FIR be quashed on the basis of settlement, the joint statement given before the learned Family Court and as per the judgments 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.

13. 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.

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

15. 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.

16. In the present case, the respondent no. 2 is present before this 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.

17. 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 Code of Criminal Procedure, 1973 ("Cr.P.C." hereinafter), 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.

18. 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.

19. 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 also given a joint statement consisting of the contents of the settlement arrived at between the parties.

20. In view of the aforesaid 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. 669/2022 registered at Police Station Burari, Delhi, for the offences punishable under Sections 498A/406/34 of the IPC and all consequential proceedings emanating therefrom are quashed, subject to realization of the aforesaid cheque of Rs.1,00,000/-.

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

CHANDRA DHARI SINGH, J

NOVEMBER 4, 2024

NA/sm

Click here to check corrigendum, if any