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

+ **CRL.M.C. 8718/2024**

DHARMENDER & ORS.Petitioners
Through: **Mr. Vipin, Advocate.**

versus

STATE GOVT. OF NCT OF DELHI AND ANR.Respondents
Through: **Mr. Satish Kumar, APP for the State**
with SI Seema.
Respondent No.2 in person.

CORAM:
HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

% **ORDER**
07.11.2024

1. The instant petition under Section 482 of the Code of Criminal Procedure, 1973 has been filed by the petitioners praying for quashing of FIR bearing No.923/2015 registered at Police Station - Prashant Vihar North, for offences punishable under Sections 498A/406/506/34 of the Indian Penal Code, 1860 (hereinafter "IPC") and Sections 3 and 4 of the Dowry Prohibition Act, 1961 (hereinafter "DP Act").

2. The brief facts of the case are that the marriage between the petitioner no. 1 and respondent no.2 got their marriage solemnized on 15th December, 2010 at Delhi according to Hindu rites and ceremonies. A female child was born out on 16th August, 2021 of the said wedlock who is residing with the respondent no. 2.



3. Despite several efforts of reconciliation, both the parties could not settle the differences. The respondent no.2 submitted a complaint with the CAW Cell in the April, 2015 which led to the registration of the aforesaid FIR against the petitioners on 29th July, 2015. It is informed that charge-sheet in the aforesaid FIR has already been filed in the instant case.

4. With the intervention of family members and relatives, both the parties entered into a settlement *vide* Settlement Deed dated 20th March, 2024. The terms and conditions of the said settlement are mentioned in the Settlement Deed which is annexed as Annexure P-3 to the instant petition.

5. In terms of the said settlement agreement, 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 Principal Judge, Family Court, North-West, Rohini Courts and *vide* judgment/order dated 6th March, 2018, the marriage between the parties is dissolved.

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 petitioners for a sum of Rs.5,00,000/-. It is submitted that the respondent no.2 has already received a sum of Rs.5,00,000/- as per the terms of the Settlement Agreement.

7. 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 the Court and has been identified by the Investigating Officer. It is submitted that Mr. Bishamber Dayal, one of the co-accused in the aforesaid FIR has expired on 18th July, 2024, which fact is also verified by the Investigating Officer. The death certificate of Mr. Bishamber Dayal



has been annexed as Annexure P-5 to the instant petition.

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. The parties also undertook that they shall abide the terms and conditions of the Settlement Agreement arrived at between the parties.

9. Therefore, in view of the aforesaid facts and circumstances, it is prayed that the instant FIR be quashed on the basis of Settlement Deed dated 20th March, 2024 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**.

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.

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 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.

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 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.

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 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.

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 bearing No.923/2015 registered at Police Station - Prashant Vihar North, for offences punishable under Sections



498A/406/506/34 of IPC and Sections 3/4 of DP Act and all consequential proceedings emanating therefrom are quashed.

17. Accordingly, the instant petition alongwith pending applications, if any, stand disposed of.

CHANDRA DHARI SINGH, J

NOVEMBER 07, 2024
NA/MK

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