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

+ W.P.(CRL) 3506/2024 & Crl.M.A.33612/2024 (for exemption)

VIVEK SINGH & ORS.

....Petitioners

Through: Mr. Robin Tyagi, Advocate

versus

STATE GOVT. OF NCT OF DELHI AND ANR.Respondents

Through: Ms. Rupali Bandhopadhyaya, ASC for
State with SI Nimmi, PS Shahdara
Mr. DK Singh, Ms. Nandini Singh,
Mr. Avtar Singh Chauhan, Mr.
Pankaj Chauhan, Ms. Savita Singh,
Mr. Virender Rajput, Mr. Abhinav
Gupta, Ms. Preeti Chaudhary, Mr.
Anurag Chaudhary, Mr. Himanshu
Kaushik, Mr. Paras Pal, Ms. Anamika
Pandey and Mr. Sidharth, Advocates
for R-2 with R-2 in person

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

11.11.2024

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1. The instant petition under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter "BNSS") has been filed by the petitioners praying for quashing of FIR bearing No.155/2022 registered at Police Station- Shahdara, New Delhi, for the offences punishable under Sections 498A/34 of the Indian Penal Code, 1860 (hereinafter "IPC").

2. The petitioners are present before this Court and have been identified by their counsel, Mr. Robin Tyagi and the Investigating Officer ("IO")



hereinafter) SI Nimmi, Police Station Shahdara, Delhi. The respondent No.2 is also present before this Court and has been identified by her counsel and the IO.

3. On the query made by this Court, respondent No.2 has categorically stated that she has entered into compromise at 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.

4. The brief facts of the case are that the marriage between the petitioner No.1 and respondent No.2 got solemnized on 25th July, 2010 as per the Hindu rites and ceremonies but due to some temperamental differences between them, they started living separately since 15th December, 2020. No child is born out of the said wedlock. As a result of the same, the present FIR was registered on the basis of the complaint filed by the respondent No.2.

5. Subsequently, both the parties entered into settlement dated 21st March, 2023 before the Delhi Mediation Centre, Karkardooma Courts, New Delhi. The terms and conditions of the said settlement are mentioned in the settlement deed which is annexed as Annexure P-2 to the petition.

6. Further, in pursuance of the said settlement, the parties have already obtained divorce by mutual consent *vide* divorce decree dated 2nd August, 2023 passed by the learned Principal Judge, Family Courts, Shahdara, Karkardooma Courts, Delhi.

7. It is submitted that respondent No.2 has settled all her claims *qua* the marriage and has not claimed anything in respect of her dowry articles, stridhan, marriage expenses, jewellery, gift items and claims of past, present and future maintenance and permanent alimony with the petitioner No.1.



8. In view of the aforesaid, it is prayed that the instant FIR be quashed on the basis of settlement dated 21st March, 2023 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***.

9. 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.

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

11. 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.

12. 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.

13. 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.

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

15. 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.155/2022 registered at Police Station-Shahdara, New Delhi, for the offences punishable under Sections 498A/34 of the IPC and all consequential proceedings emanating therefrom are quashed.

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

CHANDRA DHARI SINGH, J

NOVEMBER 11, 2024
Rt/sm

Click here to check corrigendum, if any