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

+ **CRL.M.C. 8866/2024**

SHUBHAM PARASHAR & ANR.

.....Petitioners

Through: Mr. Sahil Vij, Advocate with
petitioner No.1 in person and
petitioner No. 2 through VC

versus

THE STATE OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Satish Kumar, APP for the State
with SI Manju, PS Inderpuri D-6230
Mr. Alok Saxena (D/5165/2019) &
Mr. Saksham Tuli (D/5092/2019),
Advocates for R-2 with R-2 in
person.

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

13.11.2024

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1. The instant petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter “BNSS”) [earlier under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter “Cr.P.C.”)] has been filed by the petitioners praying for quashing of FIR bearing no. 394/2021 dated 11th November, 2021 registered at Police Station - Inder Puri, Delhi, for the offences punishable under Sections 498A/406/377/506/34 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 was solemnized on 25th November, 2020 at Delhi according to Hindu rites and ceremonies. No child was born out of their



wedlock. It is informed that the father-in-law, who was also an accused in the instant FIR, expired during the pendency of the proceedings. Death certificate of the same is annexed as Annexure H to the instant petition, which is already on record.

3. However, due to some temperamental differences between the parties, the parties started living separately since 28th May, 2021. Despite several efforts at reconciliation, both the parties could not settle the differences. Therefore, the respondent no.2 filed a complaint with the CAW Cell, Kirti Nagar, New Delhi, which led to the registration of the aforesaid FIR against the petitioner on 11th November, 2021. Other proceedings viz. complaint under Domestic Violence, maintenance petition, etc. was also filed by respondent no.2 against petitioners.

4. Subsequently, at the request of the parties, learned Principal Judge, Family Courts, Patiala House Courts, New Delhi (hereinafter “Family Court”) referred them for counselling, where both the parties entered into settlement *vide* Settlement Deed dated 6th May, 2024. The terms and conditions of the said settlement are mentioned in the Settlement Deed which is annexed as Annexure B to the petition.

5. In terms of the settlement, the petitioner no. 1 and respondent no. 2 filed a joint petition for first motion of divorce under Section 13B(1) of the Hindu Marriage Act, 1955 (hereinafter “HMA”) and *vide* judgment/order dated 23rd September, 2024, the learned Family Court Judge allowed the same. Learned counsel for the parties informed that the learned Family Court Judge *vide* judgment/order dated 4th November, 2024 granted a decree of divorce to the parties under Section 13-B (2) of the HMA.

6. It is submitted that respondent no.2 has settled all her claims and



disputes in respect of her dowry articles, stridhan, marriage expenses, jewellery, gift items and claims of past, present and future maintenance with the petitioner without any consideration.

7. The petitioner no. 1 and petitioner no. 2 are present before this Court, physically and through video conferencing, respectively and have been identified by their counsel Mr. Sahil Vij, Advocate as well as the Investigating Officer. The respondent no. 2 is also present in person before this 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. The parties also undertook that they shall abide the terms and conditions of the Settlement Deed arrived at between the parties.

9. It is prayed that the instant FIR be quashed on the basis of Settlement Deed and as per the judgments of the Hon'ble Supreme Court passed in ***Gian Singh vs. State of Punjab*, (2012) 10 SCC 303** and ***Parbathbai 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 petitioners or any person related to them. 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.

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 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. 394/2021 dated 11th November, 2021 registered at Police Station Inder Puri, Delhi, for the offences punishable under Sections 498A/406/377/506/34 of the Indian Penal Code, 1860 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

NOVEMBER 13, 2024

NA/mk

Click here to check corrigendum, if any