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

+ **W.P.(CRL) 3576/2024**

HARMEET SINGH @ HAPPY & ORS.Petitioner

Through: Md Faizan Danish & Ms. Silpi
Sucharita Swain and Mr. Sarfraz
Alam, Advocates.

versus

STATE OF NCT DELHI & ANR.Respondent

Through: Mr. Anand V Khatri ASC for the
State with SI Gita Yadav.
Respondent No.2 in person (Through
VC)

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

% **21.11.2024**

CRL.M.A. 34190/2024

Exemption is allowed, subject to all just exceptions.

The applications stand disposed of.

W.P.(CRL) 3576/2024

1. The instant petition under Article 226/227 of the Constitution read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter "BNSS") has been filed on behalf of the petitioners praying for quashing of FIR bearing No. 440/2022 dated 21st July, 2022 registered at Police Station - Mehrauli for offences punishable under Sections 498A/34 of the Indian Penal Code, 1860 (hereinafter "IPC").

2. Learned counsel appearing on behalf of the petitioner submitted that the marriage between the petitioner No.1 and respondent No.2 got



solemnized on 22nd September, 2020 at Delhi according to Hindu rites and ceremonies but due to some temperamental differences between them, they started living separately since 2021. There is no child born out of their wedlock.

3. It is submitted that despite several efforts of reconciliation, both the parties could not settle the differences and consequently, the respondent no.2 submitted a complaint which led to the registration of the aforesaid FIR against the petitioner on 21st July, 2022.

4. It is submitted that with the intervention of family members and relatives, both the parties entered into a settlement vide MoU/Deed of Settlement dated 22nd June, 2022. The terms and conditions of the said settlement are mentioned in the said settlement agreement which is annexed as Annexure P-2 to the petition.

5. It is submitted that in pursuance of the said settlement, the parties had filed a petition for divorce by mutual consent under Section 13B(2) of the Hindu Marriage Act, 1955 (hereinafter “HMA”) and *vide* the judgment dated 23rd December, 2022, a decree of divorce by mutual consent has been passed.

6. It is submitted that as per the MoU, the respondent No.2 has settled all her claims in respect of her dowry articles, *stridhan*, divorce, maintenance, alimony, right/title/interest in the petitioner no.1’s properties and assets, with the petitioners without any consideration.

7. Therefore, it is prayed that the instant FIR be quashed on the basis of settlement agreement dated 22nd June, 2022 and in terms of the judgment 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.

8. 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.

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

10. 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 the accused.

11. In such cases, it is a settled law that the High Court is required to consider the conduct and antecedents of the accused in order to ascertain that the settlement has been entered into by the victim's own free will and has not been imposed upon her by the accused or any other person related to him.

12. In the case of ***State of Madhya Pradesh vs. Laxmi Narayan and Ors., (2019) 5 SCC 688***, the Hon'ble Supreme Court has held that the powers conferred under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter "CrPC") (now Section 528 of the BNS) 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 do 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 of the High Courts, under Section 482 of



CrPC (now Section 528 of the BNSS), 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.

14. Adverting to the instant petition, the petitioners are present before this Court and have been identified by their counsel Mr. Faizan Danish and the Investigating Officer. The respondent No.2 is also present in the Court and has been identified by the Investigating Officer.

15. On the query made by this Court, the respondent No. 2 has categorically stated that she has entered into a 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 improper towards her after the compromise. As per the settlement, the entire dispute is settled by respondent no.2 without any consideration.

16. It is observed by this Court that in the instant case, as stated above, the parties have reached on the compromise and amicably settled the entire disputes without any pressure. Therefore, 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.

17. Accordingly, FIR bearing No.440/2022 dated 21st July, 2022 registered at Police Station - Mehrauli for offences punishable under Sections 498A/34 of the IPC and all the consequential proceedings emanating therefrom are quashed.

18. In light of the aforesaid discussions on facts and the law, the instant



petition stands disposed of. Pending applications, if any, stand dismissed.

CHANDRA DHARI SINGH, J

NOVEMBER 21, 2024
NA/st

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