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

+ **CRL.M.C. 8979/2024 & CrI.M.A.34378/2024**

SAURABH SHARMA & ORS.

.....Petitioners

Through: Mr. Arvind Kaushik and Mr. Vipin
Attri, Advocates with petitioners in
person

versus

THE STATE NCT OF DELHI AND ANR.

.....Respondents

Through: Mr. Raghuinder Verma, APP for
State with SI Anil
Mr. Anand Verdhan Maitreya,
Advocate for R-2 with R-2 in person

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

05.12.2024

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1. 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. 511/2015, registered at Police Station - Paschim Vihar, West District, Delhi, for offences punishable under Sections 498A/406/34 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 got solemnized on 19th April, 2014, according to Hindu rites and ceremonies but due to some temperamental differences between them, they started living separately since 28th July, 2015. No child is born out of their wedlock.



3. Learned counsel for the petitioner submitted that with the intervention of family members and relatives, both the parties have entered into settlement dated 6th July, 2024 before the Mediation Centre, Dwarka Courts, New Delhi. The terms and conditions of the said settlement are mentioned in the settlement deed which is annexed as Annexure B to the petition.

4. It is submitted that the petitioner no. 1 and respondent no. 2 approached the learned Principal Judge, Family Court, North District, Delhi and vide decree of divorce dated 22nd July, 2019, they were granted divorce under Section 13-B (2) of the Hindu Marriage Act, 1955.

5. It is further 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 and permanent alimony with the petitioners for a sum of Rs. 5,00,000/- (Rupees Five Lacs only) and all disputes of any nature whatsoever in two instalments of Rs.2,50,000/- each. The first instalment of Rs. 2,50,000/- was agreed to be paid at the time of quashing of the aforesaid FIR No.511/2015 and the second instalment of Rs. 2,50,000/- shall be paid by the petitioners at the time of another FIR.

6. It is submitted that the petitioner, today, during the course of present proceedings has transferred the Rs. 2,50,000/- as per the terms of the settlement dated 6th July, 2024 in the account of the respondent No.2. The respondent no.2 has also affirmed the factum of transfer and receiving of the balance amount in her account.

7. It is prayed that the instant FIR be quashed on the basis of settlement dated 31st January, 2024 and as per the judgment 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.

8. Mr. Raghuinder Verma, learned APP for the State submitted that there is no opposition to the prayer made by the petitioners seeking quashing of the aforesaid FIR in view of the settlement arrived at between the parties and the marriage between the petitioners.

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

10. The petitioners are present before this Court and have been identified by their counsel Mr. Arvind Kaushik and the Investigating Officer SI Anil. The respondent No.2 is also present in the Court and has been identified by her counsel and the Investigating Officer.

11. On the query made by this Court, respondent no.2 has categorically stated that she has entered into compromise voluntarily of her own free will and without any duress, pressure and coercion from any quarter. It is also stated by respondent No.2 that the entire dispute has been amicably settled between the parties.

12. At this juncture, it is pertinent to note that 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 feature in 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 CrPC 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. 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. As per the settlement, the respondent no. 2 has received the entire settled amount and the remaining amount of Rs.2,50,000/- shall be paid to her at the time of quashing of another FIR.

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

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 No. 511/2015, registered at Police Station Paschim Vihar



West District, Delhi, for offences punishable under Sections 498A/406/34 of the Indian Penal Code, 1860 and all consequential proceedings emanating therefrom are quashed.

17. The petition alongwith pending application stands disposed of.

18. It is made clear that parties shall abide by all the terms and conditions of the aforesaid settlement dated 6th July, 2024.

CHANDRA DHARI SINGH, J

DECEMBER 5, 2024
Rt/mk

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