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

+ **CRL.M.C. 8985/2024 & CrI.M.A.34398/2024**

DHARAMVEER BHARTI & ORS.

.....Petitioners

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

versus

THE STATE GOVT. OF NCT OF DELHI AND ANR.

.....Respondents

Through: Mr. Satish Kumar, APP for the State
with ASI Om Prakash
Ms. Chanchal Gupta, Advocate for
R-2 with R-2 in person

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

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05.12.2024

1. The instant petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter "BNSS") [earlier Section 482 of the Code of Criminal Procedure, 1973 (hereinafter "Cr.P.C.")] has been filed on behalf of the petitioners praying for quashing of FIR bearing No. 148/2021, dated 27th March, 2021 registered at Police Station - Sarai Rohilla, Delhi, for the offences punishable under Sections 498A/406/34 of the Indian Penal Code, 1860 (hereinafter "IPC").

2. Learned counsel appearing on behalf of the petitioners submitted that the marriage between the petitioner no. 1 and the respondent no.2 got solemnized on 6th February, 2018 at Delhi according to Hindu rites and



ceremonies but due to some temperamental differences between them, they started living separately since 13th February, 2018. Further, no child was born out of their wedlock.

3. It is submitted that despite several efforts of reconciliation, both the parties could not settle the differences following which the respondent no.2 submitted a complaint which led to the registration of the aforesaid FIR against the petitioner on 27th March, 2021.

4. It is submitted that with the intervention of family members and relatives, the parties have entered into a settlement vide Memorandum of Understanding (hereinafter “MoU”)/Settlement Agreement dated 3rd February, 2024. The terms and conditions of the said settlement are mentioned in the Settlement Agreement which is annexed as Annexure P-B to the petition.

5. It is submitted that in pursuance of the said settlement, the parties moved for divorce under the Hindu Marriage Act, 1955 (hereinafter “HMA”). Petition under Section 13B(2) of HMA was filed by the parties and the marriage between petitioner no. 1 and respondent no. 2 stands dissolved by mutual consent vide divorce decree dated 14th May, 2024.

6. It is submitted that the 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 all the disputes of any nature whatsoever with the petitioners for a sum of Rs. 2,60,000/- out of which the remaining amount of Rs.1,10,000/- was agreed to be paid at the time of quashing of the FIR.

7. Therefore, it is prayed that the instant FIR be quashed on the basis of said Settlement Agreement 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 ***Parbathbhai 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 accused.

11. 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 (now Section 528 of the BNSS), 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.

12. 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.

13. The petitioners are present before this Court and they have been identified by their counsel, Mr. Arvind Kaushik and the Investigating Officer ASI Om Prakash. The respondent no. 2 is also present in the Court



and has been identified by her counsel and the Investigating Officer.

14. During the course of proceedings before this Court, the petitioner no. 1 has handed over a Demand Draft bearing No.520183 dated 16th November, 2024 for the balance amount of Rs.1,10,000/- (in terms of the settlement) in the name of the respondent no.2 today in the Court. The respondent no.2 has verified the particulars of the Demand Draft to her satisfaction and stated them to be correct.

15. Learned counsel for the petitioners has informed this Court that during the pendency of the present case, accused no.4 expired and his Death Certificate is annexed as Annexure D to the present petition.

16. On the query made by this Court, the respondent no.2 has categorically stated that she has entered into the compromise on her own free will and without any pressure. It is also stated by the respondent no.2 that the entire dispute has been amicably settled between the parties and she does not wish to pursue the matter any further. The parties also undertook that they shall abide the terms and conditions of the Settlement Agreement arrived at between the parties.

17. In the instant case, as stated above, the parties have reached on the compromise and amicably settled the entire disputes without any pressure. In light of the same, this Court is of the considered view that since the disputes have been settled and the respondent no. 2 does not wish to pursue the matter any further, keeping the FIR pending for adjudication would be a futile exercise.

18. 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. Accordingly, FIR bearing No. 148/2021, dated 27th March, 2021



registered at Police Station - Sarai Rohilla, Delhi, for the offences punishable under Sections 498A/406/34 of the Indian Penal Code, 1860 and all consequential proceedings emanating therefrom are quashed.

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

CHANDRA DHARI SINGH, J

DECEMBER 5, 2024
RT/RYP

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