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

+ **CRL.M.C. 8991/2024 & CRL.M.A. 34408/2024**

DEEPAK KUMAR & ORS.

.....Petitioners

Through: Mr. Surbhit Nandan, Advocate along
with petitioners in person.

versus

STATE GOVT. OF NCT OF DEHI AND ANR.Respondents

Through: Mr. Satish Kumar, APP for the State
along with ASI Ghanshyam, PS-
Mandawali, Fazal Pur, Delhi.
Mr. Abhishek Pal, Advocate for R-
2/complainat along with respondent
no. 2 in person.

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

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18.11.2024

CRL.M.A. 34409/2024 (Exemption).

1. Exemption allowed subject to just exceptions.
2. The application stands disposed of.

CRL.M.C. 8991/2024 & CRL.M.A. 34408/2024 (Stay).

1. The instant petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter "BNSS") has been filed on behalf of the petitioners praying for quashing of Cr. Case No. 719/2024 pending before the learned Judicial Magistrate First Class (Mahila Court-02) East District, Karkardooma District Court Complex, Delhi arising out of FIR bearing No. 592/2022 dated 31st August, 2022 registered at Police Station - Mandawli



Fazal Pur, Delhi, for 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 respondent no.2 got solemnized on 29th November, 2020 at Delhi according to Hindu rites and ceremonies but due to some temperamental differences between them, they started living separately since 27th March, 2022. Further, no child was born out of the said wedlock.

3. It is submitted that despite several efforts of reconciliation, both the parties could not settle the differences due to which the respondent no.2 submitted a complaint with the CAW Cell, Delhi which led to the registration of the aforesaid FIR against the petitioners on 31st August, 2022.

4. It is submitted that with the intervention of family members and relatives, both the parties entered into settlement vide the 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-2 to the petition.

5. 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 with the petitioner for a total sum of Rs.9,50,000/- and all disputes of any nature whatsoever has been settled. Further, the parties have also agreed to withdraw all the pending proceedings and have decided to get their marriage dissolved. Moreover, Rs. 8,00,000/- has been already paid to the respondent no. 2 and the remaining amount of Rs.1,00,000/- was agreed to be paid at the time of quashing of the FIR.



6. At this stage, the petitioner no. 1 has handed over a Demand Draft bearing No.050086 dated 16th November, 2024 for the balance amount of Rs.1,00,000/- in the name of 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.

7. Therefore, it is prayed that the criminal proceedings arising out of abovementioned FIR be quashed on the basis of the Settlement Agreement dated 3rd February, 2024 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 the accused.

11. 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 conscious of the society and that the compromise between the parties is voluntary and



amicable.

12. All the petitioners are present before this Court. They have been identified by their counsel, Mr. Surbhit Nandan, Advocate as well as by the Investigating Officer ASI Mr. Ghanshyam, Police Station - Mandawali, Fazal Pur, Delhi. The respondent no. 2 is also present in the Court and has been identified by her counsel, Mr. Abhishek Pal as well as by the Investigating Officer.

13. On the query made by this Court, 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. The parties also undertake that they shall abide by the terms and conditions of the aforesaid Settlement Agreement arrived at between the parties.

14. In the present case, the respondent no.2/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 the respondent no.2 that the conduct and antecedents of petitioners have been bad towards her after the compromise. Furthermore, in terms of the aforesaid settlement, the entire amount has been paid to the respondent no. 2 by the petitioners.

15. 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.



16. Accordingly, the FIR bearing No. 592/2022 dated 31st August, 2022 registered at Police Station - Mandawli Fazal Pur, Delhi for offences punishable under Sections 498A/406/34 of the IPC and all the other consequential proceedings emanating therefrom including Cr. Case No. 719/2024 pending before the learned Judicial Magistrate First Class (Mahila Court-02) East District, Karkardooma District Court Complex, Delhi are quashed.

17. In view of the discussions in the foregoing paragraphs, the instant petition stands disposed of. Pending applications, if any, stands dismissed.

CHANDRA DHARI SINGH, J

NOVEMBER 18, 2024

Rk/ryp

Click here to check corrigendum, if any