



\$~121

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

+ **CRL.M.C. 9067/2024**

**HITESH VIG & ORS.**

.....Petitioner

Through: Mr. Siddharth Anil Khanna, Mr. Ritik Arora, Mr. Swapnil Pattanayak and Mr. Shivam Mishra, Advocates.

versus

**THE STATE OF NCT OF DELHI & ANR.**

.....Respondent

Through: Mr. Satish Kumar, APP for the State with SI Manish Dahiya.  
Respondent No.2 in person.

**CORAM:**

**HON'BLE MR. JUSTICE CHANDRA DHARI SINGH**

**ORDER**

% **20.11.2024**

**CRL.M.A. 34763-64/2024**

Exemption is allowed, subject to all just exceptions.

The applications stand disposed of.

**CRL.M.C. 9067/2024**

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 FIR bearing No. 203/2022 registered at Police Station - Budh Vihar, New Delhi, for offences punishable under Sections 498A/406/506/34 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 1<sup>st</sup> May, 2015 at Zirakpur, Punjab according to Hindu rites and ceremonies but due to some temperamental differences between them, they started living separately since 25<sup>th</sup> November, 2020. There is one child born out of their wedlock, which is in the custody of the mother, i.e., respondent no.2.

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 5<sup>th</sup> March, 2022.

4. It is submitted that with the intervention of family members and relatives, both the parties entered into a settlement vide settlement agreement dated 1<sup>st</sup> September, 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 moved for divorce under Section 13B(1) and under Section 13B(2) of the Hindu Marriage Act, 1955 (hereinafter "HMA") and vide the judgment dated 25<sup>th</sup> January, 2024 (Annexure P-4), a decree of divorce by mutual consent has been passed.

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 permanent alimony with the petitioner for a sum of Rs. 25,00,000/- (Rupees Twenty Five Lakh) and all the disputes of any nature whatsoever. It is also informed that in terms of the settlement, an amount of Rs.20,00,000/- has already been paid to the respondent No.2.



7. At this stage, the learned counsel for the petitioners has handed over a Demand Draft bearing No.022885 dated 14<sup>th</sup> October, 2024 towards payment of the balance amount of Rs.5,00,000/- in the name of the respondent No.2 today in the Court in terms of the settlement. The respondent No.2 has verified the particulars of the Demand Draft to her satisfaction and stated them to be correct.

8. Therefore, it is prayed that the instant FIR be quashed on the basis of settlement agreement dated 1<sup>st</sup> September, 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 ***Parbathbhai Aahir @ Parbathbai vs. State of Gujarat, (2017) 9 SCC 641***.

9. 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.

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

11. 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.

12. 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.

13. 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 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 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.

15. Adverting to the instant petition, the petitioners are present before this Court through VC and have been identified by their counsel Mr. Siddharth Anil Khanna as well as by the Investigating Officer. The respondent No.2 is also present in the Court and has been identified by the Investigating Officer.

16. On the query made by this Court, the respondent No. 2 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. 5,00,000/- has also been received by her today in the form of the aforementioned Demand Draft.

17. 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.

18. Accordingly, FIR bearing No. 203/2022 registered at Police Station - Budh Vihar, New Delhi, for offences punishable under Sections 498A/406/506/34 of the IPC and all the consequential proceedings emanating therefrom are quashed.

19. It is clarified that the child born out of the wedlock upon attaining majority will be entitled to raise claim in the ancestral or father's property in accordance with the law.

20. In light of the aforesaid discussions on facts and circumstances, the instant petition stands disposed of. Pending applications, if any, stand dismissed.

**CHANDRA DHARI SINGH, J**

**NOVEMBER 20, 2024**  
**NA/RYP**

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