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

+ CRL.M.C. 9126/2024 & & Crl.M.A.34978/2024

DEEPAK SINGH & ORS.

....Petitioners

Through: Mr. Hemraj Murmu, Mr. Arun Kumar
Bharti, Mr. Ankur Rana, Mr. Sunil
Roy, Mr. Vivek Meena and Mr.
Mukul Lakra, Advocates with
petitioners in person

versus

STATE GOVT. OF NCT OF DELHI AND ANR.Respondents

Through: Mr. Yudhvir Singh Chauhan, APP for
the State with SI Parmender Kumar
Ms. Kumari Archana and Mr.
Chandra Shekhar Salhaita, Advocates
for R-2 with R-2 in person

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

26.11.2024

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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.1426/2021, registered at Police Station- Rani Bagh, Outer District Delhi, for the offences punishable under Sections 498A/406/377/354/509/34 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 28th April, 2019 at New Delhi, however, due to some temperamental differences between them, they started living separately since 23rd May, 2020. No child was born out of the said wedlock.
3. Both the parties entered into settlement *vide* Settlement Agreement



dated 19th February, 2024 before the Mediation Centre, Rohini Courts, Delhi. The terms and conditions of the said settlement are mentioned in the settlement agreement which is annexed as Annexure P-3 to the present petition.

4. Further, in pursuance of the said settlement, the parties have already obtained divorce by mutual consent *vide* divorce decree dated 31st July, 2024 passed by the learned Principal Judge, Family Court, North-West District, Rohini, Delhi.

5. It is submitted that respondent No.2 has settled all her claims arising out of her marriage including *stridhan*, claims of past, present and future maintenance, permanent alimony and all other miscellaneous expenses, with the petitioner No.1 for a sum of Rs. 17,00,000/- (Rupees Seventeen Lakhs) and all disputes of any nature whatsoever, out of which the remaining amount of Rs.5,00,000/- (Rupees Five Lakhs) was agreed to be paid at the time of quashing of the present FIR.

6. The petitioners have handed over a Demand Draft bearing No.742260 for the balance amount of Rs.5,00,000/- dated 19th October, 2024 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. The petitioners are present before this Court and have been identified by their counsel Mr. Hemraj Murmu and Investigating Officer (“IO” hereinafter) SI Parmender Kumar, Police Station – Rani Bagh, New Delhi. The respondent No.2 is also present before this Court and has been identified by her counsel as well as by the IO.

8. On the query made by this Court, respondent No.2 has categorically



stated that she has entered into compromise at her own free will and without any pressure. It is also stated by respondent No.2 that the entire dispute has been amicably settled between the parties.

9. It is prayed that the instant FIR be quashed on the basis of Settlement Agreement dated 19th February, 2024, as no purpose would be served by keeping the instant FIR and proceedings alive.

10. 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.

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

12. 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 petitioner or any person related to him. 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.

13. 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 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 enjoined upon the High Courts under Section 482 of Cr.P.C. 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. In the instant case, as stated above, the parties have reached on the compromise and amicably settled the entire disputes without any pressure.

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 bearing No.1426/2021, registered at Police Station- Rani Bagh, Outer District Delhi, for the offences punishable under Sections 498A/406/377/354/509/34 of the IPC and all the consequential proceedings emanating therefrom are quashed.

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

CHANDRA DHARI SINGH, J

NOVEMBER 26, 2024

Rt/st

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