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

+ CRL.M.C. 9144/2024

SACHIN KUMAR TOMER & ORS.

....Petitioners

Through: Mr. Vipin Kumar Raghav, Advocate

versus

STATE NCT OF DELHI & ORS.

....Respondents

Through: Mr. Satish Kumar, APP for the State
with SI Vijay Pal Singh

Mr. Deepak Pandey & Mr. Atul
Sharma, Advocates for R-3

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

29.11.2024

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1. The instant petition under Section 482 of the Code of Criminal Procedure, 1973 ("Cr.P.C." hereinafter), now 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.04/2020, registered at Police Station- Nanak Pura, New Delhi, for the offences punishable under Sections 498A/494/406/34 of the Indian Penal Code, 1860 (hereinafter "IPC").

2. Issue notice.

3. Mr. Satish Kumar, learned APP for the State accepts notice on behalf of respondent Nos.1 & 2 as well as by respondent No.3 appearing in person with her counsel.

4. The brief facts of the case are that the marriage between the petitioner



No.1 and respondent No.3 got solemnized on 27th November, 2015 at New Delhi, according to Hindu rites and ceremonies but due to some temperamental differences between them, they started living separately since 13th November, 2016. One female child was born out of their wedlock, who has been in exclusive custody, care and control of the respondent No.3.

5. With the intervention of family members and relatives, both the parties entered into settlement *vide* Settlement/Compromise Deed on 4th February, 2022 which is annexed as Annexure P-3 to the present petition and the terms & conditions thereof are mentioned therein.

6. The petitioners are present before this Court and have been identified by their counsel Mr. Vipin Kumar Raghav and Investigating Officer (“IO” hereinafter) SI Vijay Pal Singh, Police Station – Nanak Pura, New Delhi. The respondent No.3 is also present before this Court and has been identified by her counsel and the IO.

7. On the query made by this Court, respondent No.3 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.3 that the entire dispute has been amicably settled between the parties.

8. Further, in pursuance of the said settlement, the parties have already obtained divorce by mutual consent *vide* divorce decree dated 17th September, 2024 passed by the learned Principal Judge, Family Court, Patiala House Courts, Delhi.

9. It is submitted that respondent No.3 has settled all her claims arising out of her marriage in respect of her dowry articles and stridhan, in addition to claims of past, present and future maintenance and permanent alimony with the petitioner No.1 for a sum of Rs. 11,00,000/- (Rupees Eleven



Lakhs) and all disputes of any nature whatsoever, out of which the remaining amount of Rs.3,00,000/- (Rupees Three Lakhs) was agreed to be paid at the time of quashing of the present FIR.

10. The petitioners have handed over a Demand Draft bearing No.158847 for the balance amount of Rs.3,00,000/- dated 18th November, 2024 in the name of respondent No.3 today in the Court. The respondent No.3 has verified the particulars of the Demand Draft to her satisfaction and stated them to be correct. Respondent No.3 submits that custody child is with her which is not disputed by the petitioners. It is prayed by the counsel for the petitioners that the instant FIR be quashed on the basis of Settlement/Compromise Deed on 4th February, 2022.

11. 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.

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

13. 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.3 that the conduct



and antecedents of petitioners have been bad towards her after the compromise. As per the settlement, the respondent no. 3 has received the entire settled amount.

14. 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.

15. 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.

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

17. 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.04/2020, registered at Police Station- Nanak Pura, New Delhi, for the offences punishable under Sections 498A/494/406/34 of the IPC and all consequential proceedings emanating therefrom are quashed.



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

19. It is made clear that after the child of petitioner No.1 and respondent No.3, who is in the custody of respondent No.3 attains majority, the child can claim her right in the ancestral property of the petitioner No.1, in accordance with the law.

CHANDRA DHARI SINGH, J

NOVEMBER 29, 2024

Rt/st

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