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

+ **W.P.(CRL) 3654/2024 & CrI.M.A.35057/2024**

PIYUSH & ORS.

....Petitioners

Through: Mr. Vineet Chadha, Mr. Anmol Sethi,
Mr. Pavit Singh and Mr. Vivek
Chaurasia, Advocates

versus

THE STATE GOVT. OF NCT OF DELHI AND ANR. ..Respondents

Through: Ms. Rupali Bandhopadhyaya,
ASC(Criminal) with Mr. Abhijeet
Kumar, Advocate for State and ASI
Ravinder
Mr. Deepak Sharma, Mr. Sudhir
Kumar, Mr. Ayush Saini, Mr.
Uditanshu Sharma, Ms. Sukriti Jha
and Ms. Alisha Arora, Advocates for
R-2

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

26.11.2024

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1. The instant petition under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter "BNSS") has been filed by the petitioners praying for quashing of FIR bearing No.154/2024, registered at Police Station Gulabi Bagh, North (Delhi), for the offences punishable under Sections 498A/406/34 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 18th February, 2024 at New



Delhi as per Hindu rites and ceremonies. The said marriage was duly consummated and no child is born out of the said wedlock. Due to some temperamental differences between them, they have started living separately since 25th February, 2024.

3. With the intervention of respectable persons of the society, both the parties entered into settlement *vide* Memorandum of Understanding (MoU) dated 5th October, 2024 wherein the terms & conditions of the said settlement are mentioned, which is annexed as Annexure P-2 to the present petition.

4. Further, in pursuance of the said settlement, the parties shall obtain divorce by mutual consent before the concerned Court.

5. It is submitted by the respondent No.2 that she has settled all her claims with the petitioner No.1, pursuant to which all her *stridhan*, gift items and other articles should be returned to her and she does not want to claim any alimony. She has apprised this Court that she wishes to obtain divorce by mutual consent and she does not want to continue criminal proceedings against the petitioners.

6. It is prayed that the instant FIR be quashed based on the MoU dated 5th October, 2024.

7. 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.

8. The petitioners are present before this Court and have been identified by their counsel Mr. Vineet Chadha and Investigating Officer (“IO” hereinafter) ASI Ravinder, Police Station Gulabi 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.

9. 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.

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 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.

12. 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.

13. 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.

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

15. 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.154/2024, registered at Police Station Gulabi Bagh, North (Delhi), for the offences punishable under Sections 498A/406/34 of the IPC and all the consequential proceedings emanating therefrom are quashed.

16. 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