



\$~16

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

+ **CRL.M.C. 9190/2024**

**DURGESH KUMAR PANDEY
@ MONU PANDEY**

.....Petitioner

Through: Mr.Rahul Bharti and Mr.Amit
Kumar, Advocates with petitioner in
person through VC

versus

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

.....Respondents

Through: Mr. Raghuinder Verma, APP for the
State with SI Madhu
Complainant in person.

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

ORDER

04.12.2024

%

1. The instant petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter "BNSS") has been filed by the petitioner praying for quashing of FIR bearing No. FIR No167/2020, dated 20th December, 2020 registered at Police Station - Mandir Marg, Delhi under Section 498A of the Indian Penal Code, 1860 (hereinafter "IPC").
2. Learned counsel appearing on behalf of the petitioner submitted that the marriage between the petitioner and respondent No.2 got solemnized on 21st April, 2015 in accordance with the Hindu rites and ceremonies but due to some temperamental differences between them, they started living separately and no child is born out of the wedlock.



3. It is submitted that despite several efforts of reconciliation, both the parties could not settle the differences which led to the registration of the aforesaid FIR against the petitioner on 20th December, 2020.

4. It is submitted that with the intervention of family members and relatives, both the parties have entered into a settlement vide Memorandum of Understanding dated 31st January, 2023. The terms and conditions of the said settlement are mentioned in the settlement deed which is annexed as Annexure P-3 to the petition.

5. It is submitted that in pursuance of the said settlement, the parties have jointly agreed that they shall live separately by getting divorce by mutual consent under the relevant provisions of the Hindu Marriage Act, 1955. It is further submitted that the learned Family Court has passed the divorce decree dated 3rd July, 2024 and the parties now stand separated in terms of the settlement.

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. 6,00,000/- (Rupees Six Lacs only) and all the disputes of any nature whatsoever, out of which only the remaining amount of Rs.1,00,000/- (Rupees One Lakh only) was agreed to be paid at the time of quashing of the FIR.

7. It is submitted that the petitioner, today, during the course of present proceedings has transferred the balance amount in the account of the respondent No.2. The respondent no.2 has also affirmed the factum of transfer and receiving of the balance amount in her account. A copy of the said transaction (however, only in the sum of Rs.50,000/-) has been handed



over to Court by the learned counsel appearing on behalf petitioner during the course of the proceedings, which is taken on record.

8. Therefore, it is prayed that the instant FIR be quashed on the basis of settlement dated 31st January, 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.

9. Learned APP for the State submitted that there is no opposition to the prayer made on behalf of the petitioner 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 material available on 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.

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 Code of Criminal Procedure, 1973 (now Section 528 of the BNSS), 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. 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.

14. The petitioner is present before this Court through Video conferencing and has been identified by his counsel Mr. Rahul Bharti as well as the Investigating Officer SI Madhu. The respondent No.2 is also present in the Court and has been identified by her counsel and the Investigating Officer.

15. 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 petitioner by her own free will without any pressure or coercion.

16. There is also no allegation from the respondent No.2 that the conduct and antecedents of petitioner has been bad towards her after the compromise.

17. On the query made by this Court, respondent No.2 has categorically stated that she has entered into compromise voluntarily of her own free will and without any duress, pressure and coercion from any quarter. It is also stated by respondent No.2 that the entire dispute has been amicably settled between the parties. It has been further stated by the the respondent No. 2 that she has received the entire amount in terms of the settlement arrived at between her and the petitioner, and that she does not wish to pursue the FIR any further.

18. In the instant case, as stated above, the parties have reached on the compromise and amicably settled the entire disputes without any pressure and it has bene stated by the complainant/respondent No. 2 that she does not wish to pursue the matter any further and that she has received the



entire settlement amount.

19. 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. Accordingly, FIR No167/2020, dated 20th December, 2020 registered at Police Station - Mandir Marg, Delhi under Section 498A of the Indian Penal Code, 1860 and all the consequential proceedings emanating therefrom are quashed.

20. The petition alongwith pending applications, if any, stands disposed of.

CHANDRA DHARI SINGH, J

DECEMBER 4, 2024

Sv/ryp

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