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

+ **CRL.M.C. 9222/2024**

PRADEEP KUMAR

.....Petitioner

Through: **Mr. Malkhan Singh, Advocate**

versus

STATE (NCT OF DELHI) & ANR.

.....Respondents

Through: **Mr. Satish Kumar, APP for the State
with SI Nisha**

**Mr. Anjani Kumar Mishra, Mr.
Kailash Kr Jha and Mr. Aditya,
Advocates on behalf of Respondent
no. 2**

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

26.11.2024

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CRL.M.A. 35359/2024 (Exemption)

Exemption allowed subject to just exceptions.

The application stands disposed of.

CRL.M.C. 9222/2024

1. The instant petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter “BNSS”) [earlier Section 482 of the Code of Criminal Procedure, 1973 (hereinafter “Cr.P.C.”)] has been filed on behalf of the petitioner seeking quashing of the FIR bearing No. 193/2010 dated 10th July, 2010 registered at Police Station - Vasant Vihar, New Delhi for the offences punishable under Sections 498-A/406 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 the respondent no.2 got solemnized on 16th January, 2004 according to Hindu rites and ceremonies but due to some temperamental differences between them, they started living separately since 13th October, 2009. One child was born out of their 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.

4. It is submitted that with the intervention of family members and relatives, both the parties have now entered into a settlement vide the Settlement Deed dated 28th July, 2023. The terms and conditions of the 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 aforesaid settlement, on 7th October, 2023, the marriage between the petitioner and the respondent no. 2 was dissolved and a decree of divorce was passed by learned Principal Judge, Family Court, Saket Courts, New Delhi vide HMA No. 1762/2023.

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 with the petitioner for a sum of Rs. 25,00,000/- and all disputes of any nature whatsoever, out of which the remaining amount of Rs.5,00,000/- was agreed to be paid at the time of quashing of the FIR. It is submitted that the respondent no. 2 has already received a sum of Rs. 20,00,000/- as per the terms of the aforesaid



Settlement Deed.

7. Learned counsel appearing on behalf of the petitioner submitted that the mother-in-law and the father-in-law (accused persons) have already been discharged vide order dated 21st February, 2014 passed by the learned ASJ-04, District Patiala House Court, New Delhi. Therefore, the aforesaid persons are no more accused in the instant FIR. During the arguments, learned counsel placed the said order before this Court which is taken on record.

8. Therefore, it is prayed that the instant FIR be quashed on the basis of aforesaid Settlement Agreement 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 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 the victim and accused.

12. In such cases, it is a settled law that the 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.

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 CrPC, 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. At this stage, the petitioner has handed over a Demand Draft bearing No.502304 dated 4th October, 2024 with regard to the payment of the balance amount of Rs.5,00,000/- in the name of the respondent no.2 today in the Court. The respondent no.2 has verified the particulars of the said Demand Draft to her satisfaction and stated them to be correct.

15. The petitioner is present before this Court and has been identified by his counsel, Mr. Malkhan Singh, Advocate as well as by the Investigating Officer SI Nisha, Police Station - Vasant Vihar, New Delhi. The respondent no. 2 is also present in the Court and has been identified by her counsel, Mr. Anjani Kumar Mishra as well as by the Investigating Officer.

16. On the query made by this Court, the respondent no.2 has categorically stated that she has entered into the compromise on her own free will and without any pressure or coercion. It is also stated by the respondent no.2 that the entire dispute has been amicably settled between the parties. The parties also undertook that they shall abide the terms and conditions of the said Settlement Agreement arrived at between the parties.

17. In the present case, the complainant is present in Court and has categorically stated that she has entered into the compromise and settled the entire disputes amicably with the petitioners by her own free will and



without any pressure or coercion. 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.

18. In the instant case, as stated above, the parties have reached on a 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 as well as the no-objection given by the respondent no. 2 through affidavit, this Court is inclined to allow the present petition as keeping the matter pending would be futile.

19. Accordingly, FIR bearing No. 193/2010 dated 10th July, 2010 registered at Police Station - Vasant Vihar, New Delhi for the offences punishable under Sections 498-A/406 of the IPC and all the consequential proceedings emanating therefrom are quashed.

20. In view of the above discussions, the instant petition is allowed and stands disposed of. Pending applications, if any, also stand disposed of.

CHANDRA DHARI SINGH, J

NOVEMBER 26, 2024
gs/ryp

Click here to check corrigendum, if any