



\$~105

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

+ **CRL.M.C. 9258/2024**

NAVEEN KUMAR MONGIA & ORS.Petitioners

Through: Mr. Yogesh Rathee, Advocate.

versus

THE STATE GOVT. OF NCT OF DELHI AND ANR.

.....Respondents

Through: Mr. Satish Kumar, APP for the State
along with SI Sunil.

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

% **27.11.2024**

CRL.M.A. 35504/2024 (Exemption).

1. Exemption allowed subject to just exceptions.
2. The application stands disposed of.

CRL.M.C. 9258/2024.

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 by the petitioners praying for quashing of FIR bearing No. 344/2017 registered at Police Station - Tilak Nagar, Delhi, for 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 22th July, 2007 at Delhi



according to Hindu rites and ceremonies but due to some temperamental differences between them, they started living separately since October, 2017. Two girls child were born out of their wedlock.

3. Despite several efforts of reconciliation, both the parties could not settle the differences. The respondent no.2 submitted a complaint with Police Station - Tilak Nagar on 19th July, 2017 which led to the registration of the aforesaid FIR against the petitioner.

4. With the intervention of family members and relatives, both the parties entered into settlement and the terms and conditions of the said settlement are mentioned in the order dated 23rd August, 2024 passed by learned Judge, Family Court-01, West District, Tis Hazari Courts, Delhi which is annexed as Annexure P-2 to the instant petition.

5. The petitioner no. 1 and respondent no. 2 filed a joint petition under Section 13-B (1) of the Hindu Marriage Act, 1955 (hereinafter “HMA”) before learned Judge, Family Court-01, West, Tis Hazari Courts, Delhi and vide judgment/order dated 23rd August, 2024, the learned Judge, Family Court-01, West, Tis Hazari Courts, Delhi allowed the second motion and the parties were granted decree of divorce under Section 13-B (2) of the HMA.

6. It is submitted that 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. 6,50,000/- and all disputes of any nature whatsoever, out of which the remaining amount of Rs.1,50,000/- 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. 5,00,000/- as per the terms of the Settlement, which were mentioned in the order dated 23rd August, 2024.



7. The petitioner no. 1 has handed over a Demand Draft bearing No.571883 for the balance amount of Rs.1,50,000/- dated 23rd September, 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.

8. Learned counsel appearing on behalf of the petitioners submitted that the petitioner no. 2 has expired during the pendency of the case.

9. The petitioner nos. 1 and 3 are present before this Court. They have been identified by their counsel and Investigating Officer SI Sunil, Police Station Tilak Nagar. The respondent no. 2 is also present in the Court and has been identified by the Investigating Officer.

10. On the query made by this Court, respondent no.2 has categorically stated that she has entered into compromise on 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. The parties also undertook that they shall abide the terms and conditions of the Settlement Agreement arrived at between the parties.

11. It is prayed that the instant FIR be quashed on the basis of **order dated 23rd August, 2024** and as per 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.

12. 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.

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

14. 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.

15. 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.

16. 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.

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

18. 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. 344/2017 registered at Police Station Tilak Nagar, Delhi, for offences punishable under Sections 498A/406/34 of the IPC and all consequential proceedings emanating therefrom are quashed. It is clarified that the minor child after attaining the age of majority will be entitled to claim shares in the ancestral and father's property in accordance with law.

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

CHANDRA DHARI SINGH, J

NOVEMBER 27, 2024

rk/mk

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