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

+ **CRL.M.C. 9290/2024 & CrI.M.A.35631/2024**

RAHUL SRIVASTAV & ORS.

.....Petitioner

Through: Mr. Dheeraj Kumar; Mr. Rajan
Sharma, Mr. Devesh Kumar & Mr.
Rajiv Gaur, Advocates.

versus

THE STATE OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Yudhveer Singh Chauhan, APP
with SI Suni Kumar
Respondent No.2 in person.

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER
28.11.2024

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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. 255/2022 registered at Police Station - Jagatpuri, New Delhi for the offences punishable under Sections 498-A/406/354/377/34 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 29th June, 2018 according to Hindu rites and ceremonies but due to some temperamental differences between them, they started living separately



since August, 2019. No child is 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 Memorandum of Understanding (MoU) dated 2nd September, 2024. The terms and conditions of the settlement are mentioned in the said MoU which is annexed as Annexure P-2 to the instant petition.

5. It is submitted that in pursuance of the aforesaid settlement, petitioner No.1 and respondent No.2 have filed petition under Section 13 (B) (2) of the Hindu Marriage Act, 1955 (hereinafter “HMA”) for mutual divorce and vide judgment/order dated 6th November, 2024, divorce has been granted to the parties by learned Principal Judge, Family Court, Karkardooma Courts, Delhi.

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. 12,00,000/- and all disputes of any nature whatsoever, out of which the remaining amount of Rs.4,00,000/- 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. 8,00,000/- as per the terms of the aforesaid Settlement Deed.

7. 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.

8. 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.

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

10. 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.

11. 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.

12. 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.

13. At this stage, the petitioner has handed over a Demand Draft bearing No.017283007221 dated 25th November, 2024 with regard to the payment of the balance amount of Rs.4,00,000/- 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.

14. The petitioner is present before this Court and has been identified by his counsel, Mr. Dheeraj Kumar, Advocate as well as by the Investigating Officer. The respondent no. 2 is also present in the Court and has been identified by the Investigating Officer.

15. 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.

16. 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.

17. 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.

18. Accordingly, FIR bearing No. 255/2022 registered at Police Station - Jagatpuri, New Delhi for the offences punishable under Sections 498-A/406/354/377/34 of the IPC and all the consequential proceedings



emanating therefrom are quashed.

19. 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 28, 2024
NA/mk

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