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

+ **CRL.M.C. 9310/2024 and CRL.M.A. 35688/2024**

NAVEEN KUMAR

.....Petitioner

Through: Mr.____, Advocate (Appearance not given) with petitioner in person.

versus

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

.....Respondents

Through: Mr. Raghuinder Verma, APP for the State with ASI Dilbag Hussain
Mr.Shoaib Khan and Mr.A.K.Ansari,
Advocates for R-2

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

% **04.12.2024**

Crl.M.A. No. 35688/2024

Exemption allowed, subject to just exceptions.

The application stands disposed of.

Crl.M.C. No. 9310/2024

1. The petitioner, vide the present petition under Section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023 (hereinafter “BNSS”) seeks the quashing of the FIR No.95/2022, dated 4th February, 2022 registered at Police Station - Tigri, Delhi under Sections 498A/406/34 of the Indian Penal Code, 1860.

2. Learned counsel appearing on behalf of the petitioner submitted that the marriage between the petitioner and the respondent no. 2 was



solemnized on 31st January, 2020 in accordance with the Hindu rites and ceremonies, and one male child was born on 27th February, 2021 out of the said wedlock, however, due to some temperamental differences between them, they started living separately w.e.f. 17th March, 2021.

3. It is submitted that despite several efforts of reconciliation, both the parties could not settle the differences which led to the filing of various litigation between the parties and ultimately to the registration of the aforesaid FIR against the petitioner and his family members on 4th February, 2022. It is further submitted that all the other persons named in the said FIR have already been discharged and the charge was framed only against the petitioner by the Court concerned.

4. It is submitted that a divorce petition was filed before the learned Family Court where the matter was referred for mediation in the Mediation Centre, Saket Court and a settlement has been arrived at between the parties to the petition and that all the claims of the respondent no.2 stand settled in terms of the mediation settlement dated 19th July, 2024 arrived at between the petitioner and the respondent No.2 before the Delhi Mediation Centre, Saket Courts, New Delhi. The terms and conditions of the said settlement are mentioned in the mediation settlement deed which is annexed as Annexure P-3 to the petition.

5. It is also submitted that in terms of the said settlement, the marriage between the petitioner and the respondent no.2 has since been dissolved vide a decree of divorce through mutual consent under Section 13B(2) of the HMA, 1955 in HMA PetitionNo.1785/2024 vide a decree dated 16th October, 2024 passed by the learned Judge, Family Court 02, South Saket, Saket Courts, New Delhi and all the claims of the respondent no.2 have



since been settled in view of the total settlement amount of Rs.8,00,000/- by the petitioner to the respondent no.2. It is submitted that no useful purpose would be served by the continuation of the proceedings in relation to the present FIR.

6. Therefore, it is prayed that the instant FIR be quashed on the basis of settlement dated 19th July, 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***.

7. 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.

8. Heard learned counsel for the parties and perused the material available on record.

9. 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.

10. 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.



11. 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.

12. The Investigating Officer of the case is present and has identified the petitioner Mr. Naveen Kumar present in the Court today as being the accused arrayed in the said FIR No.95/2022, and has also identified the respondent No.2 Ms.Shruti Singh as being the complainant of the said FIR. The parties have also been identified by their respective counsel.

13. In replies to specific Court queries, the respondent no.2 has affirmed the factum of the settlement arrived at between her and the petitioner no.1 vide a mediation settlement dated 19th July, 2024 as well as the dissolution of the marriage between her and the petitioner vide a decree of divorce through mutual consent. She has also affirmed the receipt of the total settled sum of Rs.8,00,000/- from the petitioner, out of which a sum of Rs.6,00,000/- lakhs has been received by her previously during the course of the divorce and the balance sum of Rs.2,00,000/- has now been handed over to her by the petitioner during the course of the present proceedings vide a Demand Draft bearing No.022419 dated 28th November, 2024 drawn on the Axis Bank Ltd. in her favour. The details of the said demand draft have been verified by the respondent no.2 and the same are stated to be correct.

14. The respondent no.2 has stated that she has settled her disputes voluntarily of her own accord without any duress, pressure or coercion. She has also stated that there are no claims of hers left against the petitioner. She has further submitted to the effect that there is one male child born of the wedlock between her and the petitioner who is in her custody. 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. She has further stated that in view of the settlement arrived at between her and the petitioner, she does not oppose the prayer made by the petitioner seeking the quashing of the said FIR No.95/2022 nor does she want him to be punished in relation thereto.

15. In the instant case, as stated above, the parties have reached on the compromise and amicably settled the entire disputes without any pressure. Thus, In view of the settlement arrived at between the parties and the law laid down FIR No.95/2022, dated 4th February, 2022 registered at Police Station - Tigri, Delhi under Sections 498A/406/34 of the Indian Penal Code, 1860 and all consequential proceedings emanating therefrom are quashed.

16. It is made clear that the child born out of the wedlock can claim his rights in the ancestral properties of the petitioner on attaining the age of majority in accordance with the law.

17. The petition is disposed of accordingly. Pending applications, if any, stand disposed of.

CHANDRA DHARI SINGH, J

DECEMBER 4, 2024
SV/RYP

Click here to check corrigendum, if any