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

+ **W.P.(CRL) 3731/2024**

TEMOOR REDDY VASHU DEV @ TIRUMUREDDY

VASUDEVA RAO & ORS.

.....Petitioners

**Through: Mr. Uday Singh and Mr. Syed Hasan
Advocates.**

versus

STATE GOVT OF NCT OF DELHI AND ANR.Respondents

**Through: Mr. Anand V. Khatri, ASC, Mr.
Neelu, Mr. Ashish Ruhil and Mr.
Rezzena, Advocates for the State.
Mr. Rahul Tyagi, ASC with Mr.
Sangeet Sibou, Mr. Jatin Khatri, Mr.
Mathew Philip, Mr. Amit Rohilla,
Mr. Aniket Kumar Singh, Advocates
for the State.**

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

09.12.2024

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1. The instant petition under Article 226 of the Constitution of India read with 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. 285/2021 registered at Police Station Vivek Vihar, 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 10th July, 2019 at Poleru, Srikakulam, Andhra Pradesh according to Hindu rites and ceremonies but due to some temperamental differences between them, they started living separately since September, 2020. No child was 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 the CAW Cell, New Seemapur, Delhi on 1st February, 2021 which led to the registration of the aforesaid FIR against the petitioners on 4th July, 2021.

4. Learned counsel for the petitioners submitted that with the intervention of family members and relatives, both the parties entered into settlement *vide* Memorandum of Understanding dated 17th September, 2024 at Delhi (“MoU” hereinafter). The terms and conditions of the said settlement are mentioned in the MoU which is annexed as Annexure P-2 to the petition.

5. It is submitted that in the year 2022, the petitioner no. 1 filed a petition under Section 13-B (1) of the Hindu Marriage Act, 1955 (hereinafter “HMA”) before the Court of Senior Civil Judge, Somepeta, Andhra Pradesh which is pending before the said Court.

6. It is submitted that respondent no.2 has settled all her claims in respect of her dowry articles, stridhan, and claims of past, present and future maintenance and alimony with the petitioner for a sum of Rs. 17,00,000/- and all disputes of any nature whatsoever as one time full and final settlement. It is further submitted that as per the terms of the MoU, the said amount is already deposited in an account, which was opened in the name of



the mediator who was appointed by mutual consent of both the parties, their parents and relatives, and the said amount will be released by the said mediator in favour of the respondent no. 2 after the completion of proceedings of second motion before the Court concerned.

7. It is prayed that the instant FIR be quashed on the basis of above said MoU between the parties.

8. 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.

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 the 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.

11. 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.

12. 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 conscience of the society and that the compromise between the parties is voluntary and amicable.

13. The petitioners are present before this Court through video conferencing. They have been identified by their counsel, Mr. Uday Singh and Investigating Officer, Police Station Tilak Nagar. The respondent no. 2 is also present in the Court and has been identified by her counsel and the Investigating Officer.

14. 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.

15. There is also no allegation from respondent no.2 that the conduct and antecedents of petitioners have been improper towards her after the compromise between the parties.

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

17. 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. 285/2021 registered at Police Station Vivek



Vihar, Delhi, for offences punishable under Sections 498A/406/34 of the IPC and all consequential proceedings emanating therefrom are quashed.

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

CHANDRA DHARI SINGH, J

DECEMBER 9, 2024
NA/ST

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