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

+ CRL.M.C. 9459/2024 and Crl.M.A. Nos. 36295/2024 & 36296/2024

RAVI KUMAR & ANR.Petitioners

Through: Mr.Vinod Kumar, Gupta, Advocate

versus

STATE GOVT.OF NCT OF DELHI AND ANR.Respondents

Through: Mr. Satish Kumar, APP for the State
with Inspector Rahul Kumar
Mr.Rajeev Kumar, Advocate for
respondent No.2 with respondent
No.2 in person.

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

% **03.12.2024**

Crl.M.A. No. 36296/2024

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

Crl.M.C. No. 9459/2024 and Crl.M.A. No. 36295/2024

1. The petitioners, vide the present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter "BNSS") seek quashing of the FIR No.08/2019, registered at Police Station South Avenue, Delhi 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 was solemnized on 9th November, 2011 as per Hindu rites and rituals and no child was born out the said wedlock.



Thereafter, due to some temperamental differences, the petitioner no. 1 respondent no. 2 are living separately since 7th May, 2019 and due to the ongoing dispute, the instant FIR was filed by respondent no. 2 against the petitioners.

3. Learned counsel appearing on behalf of the petitioners submitted that a settlement has been arrived at between the parties to the petition and that all claims of the respondent No.2 stand settled in terms of the Compromise-cum-Agreement dated 20th February, 2022, which is annexed as Annexure P-4 to the petition.

4. It is submitted that the marriage between the petitioner no.1 and the respondent no.2 has been dissolved through mutual consent under Section 13B(2) of the Hindu Marriage Act, 1955 (hereinafter “HMA”), *vide* a decree dated 2nd November, 2022 of the Court of the learned Principal Judge, Family Court, Saket, New Delhi.

5. It is submitted that all claims of the respondent no.2 towards dowry articles, *stridhan*, jewellery and other articles, in addition to all the claims related to past, present and future maintenance, have been settled by the payment of the total sum of Rs.4,00,000 by the petitioner no. 1 to the respondent no.2. It is further submitted that no useful purpose would be served by the continuation of the proceedings in relation to the present FIR.

6. The Investigating Officer of the case is present and has identified the petitioners no. 1 and 2, who are present today in Court. The Investigating Officer has also identified the respondent no.2, who is present in the Court.

7. On query, the respondent no. 2 has affirmed also affirmed the receipt of the total settled sum of Rs. 4,00,000 from the petitioners, out of which a sum of Rs. 1,00,000 was received by her previously during the course of the



signing of the compromise-cum-agreement dated 20th February, 2022, a sum of Rs. 1,00,000/- was received by her during the course of proceedings under Section 13(B)(i) of the HMA, and a sum of Rs.1,00,000/- during the course of proceedings under Section 13(B)(ii) of the HMA. The balance amount has now been handed over to her by the petitioner no.1 during the course of present proceedings vide a Demand Draft bearing No.503476 dated 16.11.2024 drawn on the ICICI Bank in her favour.

8. Respondent No. 2 has further stated that in view of the settlement arrived at between her and the petitioners, she does not oppose the prayer of the petitioners seeking the quashing of the FIR No.08/2019, Police Station South Avenue, under Sections 498A/406/34 of the Indian Penal Code, 1860.

9. On query, the respondent no.2 has stated that she has settled the matter with the petitioners voluntarily of her own accord without any duress, coercion or pressure from any quarter.

10. On behalf of the State, there is no opposition to the prayer made by the petitioners seeking the quashing of the FIR in question in view of the settlement arrived at between the parties.

11. It is prayed that the instant FIR be quashed on the basis of settlement dated 20th February, 2024 between the petitioner no.1 and respondent no. 2.

12. 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 petitioner 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. As per the settlement, the respondent no. 2 has received the entire settled amount.

13. 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.

14. 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 CrPC 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.

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

16. In view thereof, FIR No.08/2019, Police Station South Avenue, under



Sections 498A/406/34 of the Indian Penal Code, 1860 and all consequential proceedings emanating therefrom against the petitioners are thus quashed.

17. The petition alongwith any pending applications, stands disposed of accordingly.

CHANDRA DHARI SINGH, J

DECEMBER 3, 2024
SV/ST

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