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

+ **CRL.M.C. 9506/2024**

BALVINDER SINGH & ORS.

.....Petitioners

Through: Mr.Rohit Taneja and Ms.Ruchi
Gupta, Advocates with Petitioners in
person.

versus

THE GOVT OF NCT OF DELHI & ANR.Respondents

Through: Mr.N.K.Jha, APP for State with SI
Usha CAW Cell Dwarka
Mr.Jitender Tanwar, Advocate with
respondent No.2 in person.

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

% **04.12.2024**

Crl.M.A. No. 36509/024

Exemption allowed, subject to just exceptions.

The application stands disposed of.

Crl.M.C. No. 9506/2024

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.647/2021, registered at Police Station - Bindapur, Delhi for offences punishable under Sections 406/498A /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 14th February, 2020 at Delhi according to Sikh rites and ceremonies but due to some temperamental differences between them, they started living separately since 18th December, 2020. No child is born out of their wedlock. Despite several efforts of reconciliation, both the parties could not settle the differences, thereby leading to the registration of the aforesaid FIR against the petitioner.

3. With the intervention of family members and relatives, a settlement has been arrived at between the parties vide Settlement Agreement dated 5th January, 2024. The terms and conditions of the said settlement are recorded in the Settlement Agreement, which is annexed as Annexure P-3 to the instant petition.

4. The petitioner no. 1 and respondent no. 2 filed a joint petition under Section 13-B (2) of the Hindu Marriage Act, 1955 (hereinafter “HMA”) before learned Additional Principal Judge, Family Court, South-West District, Dwarka, New Delhi and vide judgment/order dated 9th September, 2024 the parties were granted a decree of divorce under under Section 13-B (2) of the HMA.

5. 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. Rs.7,25,000/- and all disputes of any nature whatsoever, out of which the remaining amount of Rs. 3,00,000/- 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. 4,25,000/- as per the terms of the Settlement Agreement.

6. The petitioner no. 1 has handed over a Demand Draft bearing no.



35947 for the balance amount of Rs. 3,00,000/- dated 26th November, 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.

7. The petitioner nos. 1 to 5 are present before this Court. They have been identified by the Investigating Officer. The respondent no. 2 is also present in the Court and has been identified by the Investigating Officer.

8. 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.

9. It is prayed that the instant FIR be quashed on the basis of the Settlement Agreement 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***.

10. 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.

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

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.

16. 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 No.647/2021, registered at Police Station Bindapur, under Sections 406/498A/34 of the Indian Penal Code, 1860 and all consequential proceedings emanating therefrom are quashed.

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

CHANDRA DHARI SINGH, J

DECEMBER 4, 2024
SV/MK

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