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

+ **CRL.M.C. 9609/2024**

SHAIENDRA PRATAP SHUKLA & ORS.Petitioner

Through: Mr. Manvendra Mukul, Mr. Arun
Kumar Tiwari, Mr. Mukesh Kumar,
Mr. Jainendra Kumar Pandey,
Advocates

versus

STATE NCT OF DELHI AND ANR.Respondent

Through: Mr. Satish Kumar, APP for the State
with SI Surender Singh.
Mr. Praveen Kumar Mishra,
Advocate for R-2.

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

09.12.2024

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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 petitioners praying for quashing of FIR bearing No.331/2021 dated 29th May, 2021 registered at Police Station - Nangloi, Delhi, for the 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 18th April, 2017 according to Hindu rites and ceremonies but due to some temperamental differences



between them, they started living separately. One female child was born out of their wedlock.

3. Learned counsel for the petitioners submitted that despite several efforts of reconciliation, both the parties could not settle their differences. On the complaint of respondent No.2, the aforesaid FIR was registered against the petitioners at Police Station – Nangloi, Delhi. It is further submitted that on 29th June, 2021, chargesheet has been filed in the aforesaid case before the court concerned.

4. It is submitted that with the intervention of family members and relatives, both the parties entered into a settlement before the Mediation Centre, Tis Hazari Court, Delhi on 3rd July, 2023. The terms and conditions of the said settlement are mentioned in the order dated 3rd July, 2023 of the Mediation Centre, which is annexed as Annexure P-2 to the petition.

5. It is further submitted that the petitioner no. 1 and respondent no. 2 filed a joint petition under Section 13-B (1) of the Hindu Marriage Act, 1955 (hereinafter “HMA”) before learned Family Court, Tis Hazari Courts, Delhi and vide judgment/order dated 18th November, 2023, the learned Judge, Family Court, allowed the first motion of divorce and on 5th August, 2024, the parties were granted a decree of divorce under Section 13-B (2) of the HMA.

6. 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.5,00,000/- and all disputes of any nature whatsoever, out of which the remaining amount of Rs.1,20,000/- 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. 3,80,000/- as per the terms of the settlement.

7. It is prayed that the instant FIR be quashed on the basis of settlement arrived at before the Mediation Centre and in accordance with the settled law on this point as posited by the Hon'ble Supreme Court.

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. 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.

11. 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 conscious of the society and that the compromise between the parties is voluntary and amicable.



12. The petitioners are present before this Court and have been identified by their counsel and the Investigating Officer. The respondent no. 2 is also present in the Court and has been identified by the Investigating Officer.

13. 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.

14. It is also pertinent to note that the petitioner no. 1 has handed over a Demand Draft bearing No.622251 for the balance amount of Rs.1,20,000/- dated 29th 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.

15. 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 petitioners 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.

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. 331/2021 dated 29th May, 2021 registered at Police Station - Nangloi, Delhi, for offences punishable under Sections 498A/406/34IPC and all consequential proceedings emanating therefrom are quashed.

18. The petition alongwith pending applications, if any, stand disposed of. It is clarified that upon attaining the age of majority, the minor child will be entitled to claim rights in the ancestral property of her father in accordance with law.

CHANDRA DHARI SINGH, J

DECEMBER 9, 2024
NA/mk

Click here to check corrigendum, if any