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

+ W.P.(CRL) 3856/2024

NITIN KUMAR & ORS.

.....Petitioners

Through: Mr. Prashant Bhati and Mr. Deepak
Singh Thakur, Advocates.

versus

STATE GOVT. OF NCT OF DELHI AND ANR.Respondents

Through: Mr. Anand V. Khatri, ASC for the
State along with SI Biraj Salvi.

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

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18.12.2024

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 on behalf of the petitioners praying for quashing of FIR bearing No. 539/2023 registered at Police Station - Sarai Rohilla, 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 23rd November, 2015 at MCD Flat Park, Near Sarai Rohilla Railway Station, Padam Nagar, Kishan Ganj, North, Delhi-11007 according to Hindu rites and ceremonies but due to some temperamental differences between them, they started living



separately since March, 2022. No 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 the differences. The respondent no.2 submitted a complaint with the CAW Cell, Delhi, which led to the registration of the aforesaid FIR against the petitioner on 10th July, 2023.

4. It is submitted that with the intervention of family members and relatives, both the parties entered into settlement *vide* Settlement Agreement 27th February, 2024 at Delhi Mediation Centre, Tis Hazari Courts, Delhi. The terms and conditions of the said settlement are mentioned in the Settlement Agreement which is annexed as Annexure P-2 to the instant petition.

5. It is submitted that 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 Principal Judge, Family Court, Central District, Tis Hazari Courts, Delhi and *vide* judgment/order dated 22nd August, 2024, the parties were granted 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. 3,70,000/- and all disputes of any nature whatsoever, out of which the remaining amount of Rs.1,30,000/- 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. 2,40,000/- as per the terms of the Settlement Agreement.



7. Therefore, it is prayed that the instant FIR be quashed on the basis of above said Settlement Agreement 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 petitioner no. 1 is present before this Court through video conferencing and the petitioners no. 2 and 3 are also present before this Court. They have been identified by their counsel, Mr. Prashant Bhati and Investigating Officer SI Biraj Salvi, Police Station Sarai Rohilla. The



respondent no. 2 is also present in the Court and has been identified by her counsel and 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. At this juncture, the petitioner no. 1 has handed over a Demand Draft bearing No.683040 for the balance amount of Rs.1,30,000/- dated 3rd December, 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. 539/2023 registered at Police Station Sarai Rohilla, Delhi for offences punishable under Sections 498A/406/34 of the IPC and all consequential proceedings emanating therefrom are quashed.

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

CHANDRA DHARI SINGH, J

DECEMBER 18, 2024

Na/mk

Click here to check corrigendum, if any