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

+ CRL.M.C. 9768/2024

SH. AMIT KAKKAR AND ANRPetitioner

Through: Mr. Shubham Jain, Advocate.

versus

STATE (GOVT. OF NCT OF DELHI) AND ANRRespondent

Through: Mr. Raghuinder Verma, APP for the

State with Investigating Officer.

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

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18.12.2024

1. The instant petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter “BNSS”) [Section 482 of the Code of Criminal Procedure, 1973 (hereinafter “CrPC”)] has been filed by the petitioners praying for quashing of FIR bearing No. 647/2023 registered at Police Station – Tilak Nagar, 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 6th December, 2013 at Delhi according to Hindu rites and ceremonies but due to some temperamental differences between them, they started living separately since 30th April, 2023. A child was born out of their wedlock.

3. Despite several efforts of reconciliation, both the parties could not settle their differences which led to the registration of the aforesaid FIR against the petitioners on the complaint of the respondent no. 2.

4. Learned counsel for the petitioner submitted that with the intervention of family members and counsel, both the parties amicably settled the dispute



pursuant to Settlement Deed dated 25th November, 2023, before the Mediation Centre, Dwarka Courts, New Delhi. Terms of the settlement are mentioned in the Settlement Deed, which is annexed as Annexure-P2 to the petition.

5. It is submitted that the petitioner no. 1 and the respondent no.2 have jointly moved for divorce under Section 13B(1) and under Section 13B(2) of the Hindu Marriage Act, 1955. First Motion was granted on 14th May, 2024 and the second motion was granted on 19th November, 2024 by a decree of divorce dissolving the marriage.

6. It is submitted that respondent no.2 has settled all her claims in respect of her permanent alimony and past, present and future maintenance with the petitioners for a sum of Rs. 15,50,000/- and all disputes of any nature whatsoever, out of which the remaining amount of Rs.4,50,000/- was agreed to be paid at the time of quashing of the FIR.

7. It is submitted that in terms of the last order, petitioner has filed an affidavit stating that he will deposit an amount of Rs.2000/- per month in the Sukanya Samridhi Yojana Bank Account of the minor child, namely, Kiara Kakkar vide A/c No.3042401767.

8. It is prayed that the instant FIR be quashed on the basis of settlement dated 25th November, 2023.

9. 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.

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

11. 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.

12. 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.

13. 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.

14. The petitioners are present before this Court and have been identified by their counsel Mr. Subham Jain, Advocate and the Investigating Officer. The respondent No.2 is also present in the Court and has been identified by the Investigating Officer.

15. The petitioners have handed over a Demand Draft bearing No.927392 for the balance amount of Rs.4,50,000/- dated 6th 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. The copy of the said Demand Draft is handed over by the learned counsel appearing on behalf petitioner during the course of the arguments.

16. 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.

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

18. 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. 647/2023 registered at Police Station –Tilak Nagar, Delhi for offences punishable under Sections 498A/406/34 of the IPC and all consequential proceedings emanating therefrom are quashed.

19. The petition alongwith pending application stands disposed of. It is clarified that the minor child upon attaining majority shall be entitled to claim his rights in the father's of ancestral properties in accordance with the law.

CHANDRA DHARI SINGH, J

DECEMBER 18, 2024/NA/st

Click here to check corrigendum, if any