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

+ CRL.M.C. 9783/2024 & Crl.M.A.37503/224

SH. TEJPAL & ANR.

.....Petitioners

Through: Mr. Shamindra Kadian and
Mr. Harshit Joshi, Advs.

versus

THE STATE GOVT. OF NCT OF DELHI AND ANR.

.....Respondents

Through: Ms. Richa Dhawan, APP for the State
with SI Roshni Sharma
R-2 in person

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

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12.12.2024

1. The instant petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 [earlier Section 482 of the Code of Criminal Procedure, 1973 (hereinafter "CrPC")] has been filed by the petitioners praying for quashing of FIR bearing No.40/2015, registered at Police Station- CAW Cell, Nanak Pura, Delhi, for the offences punishable under Sections 498A/406/34 of the Indian Penal Code, 1860 (hereinafter "IPC").
2. Notice issued.
3. Notice is accepted by learned APP for the State as well as by the respondent No.2 who is present in Court.
4. The brief facts of the case are that the marriage between the petitioner No.1 and respondent No.2 got solemnized on 23rd October, 2010 at New Delhi but due to some temperamental differences between them, they started living separately since 24th November, 2011. No child was born out of the said wedlock.



5. Learned counsel for the petitioners submitted that with the intervention of family members and relatives, both the parties entered into settlement *vide* Memorandum of Understanding (MoU) dated 11th July, 2024. The terms and conditions of the said settlement are mentioned in the MoU which is annexed as Annexure E to the petition.

6. It is submitted that in pursuance of the said settlement, the parties have already obtained divorce by mutual consent *vide* divorce decree dated 6th November, 2024 passed by the learned Principal Judge, Family Court, Dwarka, New Delhi.

7. It is submitted that respondent No.2 has settled all her claims in respect of her past, present and future maintenance and permanent alimony with the petitioner No.1 for a sum of Rs. 2,00,000/- (Rupees Two Lakhs), out of which Rs. 1,50,000 (Rupees One Lakh Fifty Thousand) has already been paid and the remaining amount of Rs.50,000/- (Rupees Fifty Thousand) was agreed to be paid at the time of quashing of the present FIR.

8. It is prayed that the instant FIR be quashed on the basis of MoU dated 11th July, 2024 between the parties.

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. 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.

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 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.

14. The petitioners are present before this Court and have been identified by their counsel Mr. Shamindra Kadian and Investigating Officer ("IO" hereinafter) SI Roshni Sharma, Police Station – CAW Cell, Nanak Pura, Delhi. The respondent No.2 is also present before this Court and has been identified by the IO.



15. The petitioners have handed over a Demand Draft bearing No.377227 for the balance amount of Rs.50,000/- dated 4th 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.

16. On the query made by this Court, respondent No.2 has categorically stated that she has entered into compromise at 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. There is also no allegation from respondent no.2 that the conduct and antecedents of petitioners have been bad towards her after the compromise. Further, as per the settlement, the respondent no. 2 has received the entire settled amount.

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

19. 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.40/2015, registered at Police Station- CAW Cell, Nanak Pura, Delhi, for the offences punishable under Sections 498A/406/34 of the IPC and all consequential proceedings emanating therefrom are quashed.

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

CHANDRA DHARI SINGH, J

DECEMBER 12, 2024

Rt/st

Click here to check corrigendum, if any