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

+ CRL.M.C. 9806/2024

SAHIL RISHI

.....Petitioner

Through: Mr. Vikram Singh Kushwah & Mr
Manish Sharma, Advocates.

versus

THE STATE OF NCT OF DELHI AND ANR.Respondent

Through: Mr. Satish Kumar, APP for the State
with SI Narender PS Vikaspuri
Respondent No.2 in person.

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

13.12.2024

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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 petitioner praying for quashing of FIR bearing No. 118/2021 registered at Police Station Vikaspuri, New 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 and respondent no.2 got solemnized on 19th November, 2018 according to Hindu rites and ceremonies but due to some temperamental differences between them, they started living separately since 25th February, 2020.

3. Learned counsel for the petitioner submitted that despite several



efforts of reconciliation, both the parties could not settle the differences. The respondent no. 2 filed a complaint with the CAW Cell on 17th August, 2020, which led to registration of the present FIR. The police completed the investigation and filed the chargesheet on 9th September, 2021.

4. It is submitted that with the intervention of family members and relatives, both the parties entered into a settlement vide Memorandum of Understanding (MoU) dated 29th May, 2024. The terms and conditions of the said settlement are mentioned in the MoU which is annexed as Annexure P-2 to the instant petition.

5. It is further submitted that the first motion of divorce petition was jointly filed by the petitioner and respondent no. 2 under Section 13-B (1) of the Hindu Marriage Act, 1955 (hereinafter “HMA”) before learned Additional Principal Judge, Family Court, Dwarka Courts, Delhi and the same was allowed vide order dated 14th August, 2024. The parties were granted a decree of divorce under Section 13-B(2) of the HMA vide order dated 27th April, 2024.

6. It is submitted that respondent no.2 has fully settled all her claims in respect of her dowry, stridhan, execution and claims of past, present and future maintenance *qua* this marriage with the petitioner for a sum of Rs.7,00,000/-, out of which the remaining amount of Rs.2,00,000/- 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. 5,00,000/- in terms of the MOU.

7. It is prayed that the instant FIR be quashed on the basis of the MoU 29th May, 2024 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 of 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 conscience of the society and that the compromise between the parties is voluntary and amicable.

12. The petitioner is present before this Court before this Court and has been identified by his counsel, Mr. Vikram Singh Kushwah, Advocate and the concerned 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 by the terms and conditions of the settlement arrived at between the parties.

14. At this juncture, it is pertinent to note that the petitioner has handed over a Demand Draft bearing No. 194958 for the balance amount of Rs.2,00,000/- dated 22th 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 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 petitioner have been improper 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. 118/2021 registered at Police Station Vikaspuri, New Delhi, for offences punishable under Sections 498A/406/34



of the IPC and all consequential proceedings emanating therefrom are quashed.

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

CHANDRA DHARI SINGH, J

DECEMBER 13, 2024
NA/mk

Click here to check corrigendum, if any