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

+ **CRL.M.C. 9861/2024 & CrI.M.A.37778/2024**

DIVESH VERMA & ORS.

....Petitioners

Through: Mr. Anil Dutt Sharma and Mr. Rishu
Kumari, Advocates for Petitioners
along with petitioners

versus

STATE GOVT. OF NCT OF DELHI AND ANR.Respondents

Through: Mr. Raghuinder Verma, APP for the
State with SI Satish
Ms. Prachi Grover, Advocate for R-2
with R-2 in person

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER
16.12.2024

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1. The instant petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter “BNSS”) [earlier under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter “Cr.P.C”)] has been filed by the petitioners praying for quashing of FIR bearing No.160/2018, registered at Police Station- Lajpat Nagar, 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 21st January, 2015 at New



Delhi according to Hindu rites, customs and ceremonies but due to some temperamental differences between them, they started living separately since June, 2017. One female child namely Ms. Monika Verma was born out of the said wedlock who is under the care and custody of respondent No.2.

5. Learned counsel for the petitioners submitted that with the intervention of family members and relatives, both the parties entered into settlement *vide* Settlement Agreement dated 29th July, 2024 before the Delhi High Court Mediation and Conciliation Centre. The terms and conditions of the said settlement are mentioned in the settlement agreement which is annexed as Annexure C to the instant petition.

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 and permanent alimony with the petitioner No.1 for a sum of Rs. 16,00,000/- (Rupees Sixteen Lakhs) and all disputes of any nature whatsoever, out of which the remaining amount of Rs.5,00,000/- (Rupees Five Lakhs) was agreed to be paid at the time of quashing of the present FIR, wherein Rs. 3,00,000/- will be paid in the name of the respondent no. 2 and Rs. 2,00,000/- will be paid in the name of the minor daughter, Ms. Monika Verma in the form of fixed deposit.

7. It is prayed that the instant FIR be quashed on the basis of Settlement Agreement dated 24th July, 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 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 Mr. Anil Dutt Sharma, Advocate and Investigating Officer ("IO" hereinafter) SI Satish, Police Station Lajpat Nagar, Delhi. The respondent No.2 is also present before this Court and has been identified by her counsel Ms. Prachi Grover, Advocate as well as by the IO.

13. 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.



14. At this stage, the petitioners have handed over two separate Demand Drafts, i.e. Demand Draft bearing No.753235, for amount of Rs.2,00,000/- dated 29th November, 2024 in the name of daughter of respondent No.2, which will be deposited in fixed deposit, and Demand Draft bearing No.753234, for amount of Rs.3,00,000/- 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. As per the settlement, the respondent no. 2 has received the entire settled amount.

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.160/2018, registered at Police Station- Lajpat Nagar, Delhi, for the 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 16, 2024
Rt/mk

[Click here to check corrigendum, if any](#)