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

+ **CRL.M.C. 9898/2024**

MOHIT KUMAR & ORS.

.....Petitioners

Through: Mr. S. P. Yadav and Mr. Deepak
Kumar, Advocates along with
petitioners in person.

versus

THE STATE GOVT OF NCT OF DELHI & ANR.Respondents

Through: Mr. Raghuinder Verma APP for the
State.
Mr. Deepak Sharma, Advocate for R-
2.

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

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17.12.2024

CRL.M.A. 37906/2024 (Exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

CRL.M.C. 9898/2024.

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 petitioners praying for quashing of FIR bearing No. 327/2018 registered at Police Station - Farsh Bazar, 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 14th February, 2017 according to Hindu rites and ceremonies but due to some temperamental differences between them, they started living separately since October, 2017. A male 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, Shahdara District, Delhi on 27th September, 2018 which led to the registration of the aforesaid FIR against the petitioner on 27th September, 2018.

4. It is submitted that with the intervention of family members and relatives, both the parties entered into settlement dated 17th November, 2018 before the Delhi Mediation Centre, Karkardooma 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 further submitted that on 1st February, 2019, the petitioner no. 1 and respondent no. 2 filed a joint petition under Section 13-B (1) of the Hindu Marriage Act, 1955 (hereinafter “HMA”) before the learned Principle Judge, Karkarkooma Courts, Delhi (hereinafter “Family Court”) and *vide* judgment/order dated 1st February, 2019, the first motion of divorce was allowed. Thereafter, the parties filed a joint petition under Section 13-B(2) of HMA and *vide* 6th January, 2020, 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. 8,50,000/- and all disputes of any nature whatsoever, out of which the remaining amount of Rs.3,50,000/- 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/- as per the terms of the Settlement Agreement.

7. Therefore, it is prayed that the instant FIR be quashed on the basis of Settlement Agreement dated 17th November, 2018 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. All the petitioners are present before this Court. They have been identified by their counsel, Mr. S. P. Yadav, (Enrl. no. D/2674/2006), Advocate and Investigating Officer, Police Station - Farsh Bazar, Delhi. The respondent no. 2 is also present in the Court and has been identified by her counsel Mr. Deepak Sharma (Enrl. No. D/8315/2023), Advocate 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 stage, the petitioner no. 1 has handed over a Demand Draft bearing No.001995 for the balance amount of Rs.3,50,000/- dated 19th 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.

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. 327/2018 registered at Police Station Farsh Bazar, for offences punishable under Sections 498A/406/34 of the IPC and all consequential proceedings emanating therefrom are quashed. It is clarified that the said male child after attaining the age of majority will be entitled to claim his shares in the ancestral and father's property in accordance with law.

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

CHANDRA DHARI SINGH, J

DECEMBER 17, 2024

rk/mk

Click here to check corrigendum, if any