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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 10056/2024, CRL.M.A. 38561/2024, CRL.M.A.
38562/2024

MITHILESH GIRI

.....Petitioner

Through: Ms. Aatrayi Das, Mr. Nishant Das
and Mr. Atul Kumar, Advocates
along with petitioner in person

versus

STATE OF N.C.T. OF DELHI THROUGH SHO P.S. WOMEN
CELL NANAK PURA & ANR.Respondents

Through: Mr. Raghuinder Verma, APP for the
State with ASI Mahesh Kumar, P. S.
CWC, Nanakpura
Ms. Mahe Zehra, Advocate along
with respondent in person

CORAM:
HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER
20.12.2024

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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 by the petitioner praying for quashing of FIR bearing No. 0018/2023 registered at Police Station Women Cell Nanak Pura for offences punishable under Sections 498A/406/377/34 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 30th January, 2022 according to Hindu rites and ceremonies but due to some temperamental differences between them, they started living separately since August, 2022. No child was born out of their wedlock.

3. Despite several efforts of reconciliation, both the parties could not settle the differences which led to the registration of the aforesaid FIR against the petitioner on 6th March, 2024.

4. Learned Counsel for the petitioner submitted that with the intervention of family members and relatives, both the parties entered into settlement vide Settlement Agreement dated 25th July, 2024. The terms and conditions of the said settlement are mentioned in the Settlement Agreement which is annexed as Annexure P-2 to the petition.

5. It is submitted that on 28th August, 2024, the petitioner and respondent no. 2 were granted the first motion under Section 13B(1) of the Hindu Marriage Act, 1955 (hereinafter “HMA”) before the learned Judge, Family Court, South Saket, New Delhi and on 21st October, 2024, the petitioner and respondent no.2 were granted decree of divorce under Section 13B(2) of the HMA.

6. It is submitted that respondent no.2 has settled all her claims in respect of her permanent alimony, *stridhan* and claims of past, present and future maintenance with the petitioner for a sum of Rs. 11,50,000/- out of which the remaining amount of Rs. 3,00,000/- was agreed to be paid at the time of quashing of the FIR. It is further submitted that the respondent no. 2 has already received a sum of Rs. 8,00,000/- as per the terms of the Settlement Agreement.



7. It is prayed that the instant FIR be quashed on the basis of Settlement Agreement dated 25th July, 2024 between the parties.

8. Learned APP for the State submitted that there is no opposition to the prayer made on behalf of the petitioner 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. 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.

11. 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.

12. 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 conscience of the



society and that the compromise between the parties is voluntary and amicable.

13. The petitioner is present before this Court and has been identified by his counsel, Ms. Aatrayi Das, Advocate and Investigating Officer SI Divya, Police Station ASI Mahesh Kumar. The respondent no. 2 is also present in the Court and has been identified by her counsel, Ms. Mahe Zehra and the Investigating Officer.

14. The petitioner has handed over a Demand Draft bearing No. 309498 for the balance amount of Rs. 3,00,000/- 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. 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 Agreement arrived at between the parties.

16. There is no allegation from respondent no.2 that the conduct and antecedents of petitioner has been improper towards her after the compromise.

17. In the instant case, as stated above, the parties have reached on the compromise and amicably settled the entire disputes without any pressure. 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. 0018/2023 registered at Police Station Women Cell Nanak Pura for offences punishable under Sections



498A/406/377/34 and all consequential proceedings emanating therefrom are quashed.

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

CHANDRA DHARI SINGH, J

DECEMBER 20, 2024
gs/st

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