



\$~73

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

+ **W.P.(CRL) 4003/2024**

ABHISHEK SHUKLA & ORS.

.....Petitioners

Through: Mr. Pradeep Kumar Sharma, Mr.
Amar Singh and Mr. Nitesh Kumar,
Advocates along with petitioners in
person

versus

STATE(GOVT OF NCT OF DELHI) & ANR.Respondents

Through: Mr. Anand V. Khatri, ASC for State
with SI Divya, P.S. Patparganj
Industrial Area
Mr. Kunwar Pal Singh and Ms.
Manisha Singh, Advocates for R-2

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

20.12.2024

%

CRL.M.A. 38623/2024 (Exemption)

Exemption allowed subject to just exceptions.

The application stands disposed of.

W.P.(CRL) 4003/2024

1. The instant petition under Article 226 of the Constitution of India read with 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 petitioners



praying for quashing of FIR bearing No. 0064/2024 registered at Police Station Patparganj Industrial Area for offences punishable under Sections 498A/406/354A/377/506/34 of the Indian Penal Code, 1860 (hereinafter “IPC”) and Section 4 of the Dowry Prohibition Act, 1961.

2. The brief facts of the case are that the marriage between the petitioner no. 1 and respondent no.2 got solemnized on 9th March, 2023 at Gorakhpur, U.P. according to Hindu rites and ceremonies but due to some temperamental differences between them, they started living separately since 10th April, 2023. 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 2nd February, 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 1st May, 2024. The terms and conditions of the said settlement are mentioned in the Settlement Agreement which is annexed as Annexure-D to the petition.

5. It is submitted that on 14th October, 2024, the petitioner no. 1 and respondent no. 2 were granted the second motion under Section 13B(2) of the Hindu Marriage Act, 1955 and their marriage stood dissolved vide a decree of divorce by mutual consent.

6. It is submitted that respondent no.2 has settled all her claims in respect of her permanent alimony, jewellery etc., in addition to claims of past, present and future maintenance with the petitioner for a sum of Rs. 5,50,000/- out of which the remaining amount of Rs.2,50,000/- 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. 3,00,000/- 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 1st May, 2024 between the parties.

8. Learned ASC 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. 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 petitioners are present before this Court and have been identified by their counsel, Mr. Pradeep Kumar Sharma, Advocate and Investigating Officer SI Divya, Police Station Patparganj Industrial Area. The respondent no. 2 is also present in the Court and has been identified by her counsel, Mr. Kunwar Pal Singh and the Investigating Officer.

14. The petitioner no. 1 has handed over a Demand Draft bearing No.015790 for the balance amount of Rs. 2,50,000/- 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. In the instant case, as stated above, the parties have reached on the compromise and amicably settled the entire disputes without any pressure. There is also no allegation from respondent no.2 that the conduct and antecedents of petitioners have been improper towards her after the compromise.

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. 0064/2024 registered at Police Station Patparganj Industrial Area for offences punishable under Sections 498A/406/354A/377/506/34 of the IPC and Section 4 of the Dowry Prohibition Act, 1961 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