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

+ W.P.(CRL) 4045/2024 & CrI.M.A.39011/2024

NISHANT KAPOOR & ORS.

.....Petitioners

Through: Mr. Kumal Sharma, Mr. Prabhjot Singh and Mr. Yash Punjabi, Advocates.

versus

STATE (NCT OF DELHI) & ANR.

.....Respondents

Through: Mr. Yasir Rauf Ansari, ASC for State with Mr. Amith Sahni and Mr. Alok Sharma, Advs. And SI Pankaj Kumar, PS Bhajanpura
Mr. A.S. Khan, Advocate with R-2 in person

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

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23.12.2024

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 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.619/2022 registered at Police Station- Bhajanpura, New Delhi, for the offences punishable under Sections 498A/406/34 of the Indian Penal Code, 1860 (hereinafter "IPC").
2. Issue notice.
3. Notice is accepted by learned Additional Standing Counsel (ASC) for



the State as well as the learned counsel for the respondent No.2 alongwith respondent no.2, who is present in-person.

4. The brief facts of the case are that the marriage between the petitioner No.1 and respondent No.2 got solemnized on 28th May, 2020 at New Delhi, according to Hindu rites and ceremonies but due to some temperamental differences between them, they started living separately since 20th June, 2021. No child is born out of their wedlock.

5. 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, North-East Delhi which led to the registration of the aforesaid FIR against the petitioners.

6. It is submitted that the petitioner No.1 and respondent No.2 have already been granted decree of divorce by way of mutual consent vide judgment dated 1st November, 2023 passed by learned Principal Judge, Family Court (North-East), Karkardooma Courts, Delhi.

7. It is further submitted that the respondent no. 2 filed an affidavit-cum-no objection certificate, wherein it was stated that the 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. 6,000,00/- and all disputes of any nature whatsoever, out of which the remaining amount of Rs.1,00,000/- was agreed to be paid at the time of quashing of the FIR. Furthermore, the respondent no. 2 has explicitly stated that she has no objection if the aforesaid FIR is quashed. The said affidavit-cum-no objection certificate is annexed as Annexure P-3 to the instant petition.



8. Therefore, it is prayed that the instant FIR be quashed on the basis of the said affidavit-cum-no objection certificate and in accordance with the settled law on this point as posited by the Hon'ble Supreme Court.

9. 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.

10. Heard learned counsel for the parties and perused the record.

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

13. The petitioner nos. 1 to 5 are present before this Court appeared in person and petitioner nos. 6 and 7 are present before this Court through video conferencing and have been identified by their counsel Mr. Kumal Sharma and Investigating Officer ("IO" hereinafter) SI Pankaj Kumar,



Police Station - Bhajanpura. The respondent No.2 is also present before this Court and has been identified by her counsel Mr. A.S. Khan, Advocate and the IO.

14. 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.

15. At this juncture, the petitioner no. 1 has handed over a Demand Draft bearing No. 066151 for the balance amount of Rs.1,00,000/- dated 21st December, 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.

16. 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.

17. In the instant case, as stated above, the parties have reached on the compromise and amicably settled the entire disputes without any pressure.

18. 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. 619/2022 registered at Police Station-Bhajanpura, New Delhi, for the offences punishable under Sections 498A/406/34 of the IPC and all consequential proceedings emanating therefrom are quashed.

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

CHANDRA DHARI SINGH, J

DECEMBER 23, 2024

Rt/mk

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