



\$~25

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

+ CRL.M.C. 131/2025
SACHIN CHUTANI

.....Petitioner

Through: Mr. Baldej Raj, Advocate with
petitioner in person (Through VC)

versus

STATE OF NCT OF DELHI & ANR.

.....Respondent

Through: Ms. Priyanka Dalal, APP for the State
with ASI Sanjay Kumar, PS-Rajouri
Garden.

Mr. Aakash Goswami, Advocate for
respondent no.2.

Respondent No.2 in person (Through
VC)

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

%

03.03.2025

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 petitioner praying for quashing of FIR bearing No. 0173/2021 dated 1st March, 2021 registered at Police Station - Rajouri Garden, Delhi for offences punishable under Sections 498A of the Indian Penal Code, 1860 (hereinafter "IPC").

2. The Joint Registrar (Judicial) *vide* order dated 29th January, 2025 has verified the facts and details of the instant matter.

3. The brief facts of the case are that the marriage between the petitioner and respondent no.2 got solemnized on 19th February, 2009 at Delhi according to Hindu rites and ceremonies but due to some temperamental



differences between them, they started living separately since September, 2020. One female child was born out of their wedlock.

4. Learned counsel for the petitioner submitted that despite several efforts of reconciliation, both the parties could not settle the differences. The respondent no.2 filed a complaint against the petitioner with Crime Against Women Cell, Kirti Nagar, Delhi which later converted into the instant FIR

5. It is submitted that with the intervention of family members and well wishers, both the parties entered into settlement *vide* Settlement deed dated 2^{3rd} May, 2022 (“Settlement” hereinafter). The terms and conditions of the said settlement are mentioned in the settlement which is attached to the instant petition

6. It is submitted that the petitioner and respondent no. 2 filed a petition under Section 13-B (2) of the Hindu Marriage Act, 1955 (hereinafter “HMA”) before learned Judge, Family Court-I, Tis Hazari and *vide* judgment/order dated 23rd March, 2023, the learned Judge granted decree of divorce under Section 13-B (2) of the HMA.

7. Therefore, it is prayed that the instant FIR may be quashed on the basis of above said settlement 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 objection 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 petitioner is present before this Court through video conferencing (hereinafter “VC”). He has been identified by his counsel, Mr. Baldev Raj and Investigating Officer. The respondent no. 2 is also present through VC



and has been identified by the Investigating Officer.

11. 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 she 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. It is further stated by the respondent no.2 that the entire dispute has been amicably settled between the parties and she does not wish to pursue the aforesaid FIR any further. The parties also undertook that they shall abide by the terms and conditions of the settlement arrived at between the parties.

12. 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.

13. 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.

14. 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.

15. In the present case, the complainant/ respondent no.2 is present in Court through VC and has categorically stated that she has entered into the compromise and has settled the entire disputes amicably with the petitioner 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 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. 0173/2021 dated 1st March, 2021 registered at Police Station - Rajouri Garden, Delhi for offences punishable under Sections 498A of the IPC and all consequential proceedings emanating therefrom are quashed.

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

MARCH 03, 2025
NA/anr

CHANDRA DHARI SINGH, J

Click here to check corrigendum, if any