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

+ **CRL.M.C. 259/2025**

DESHRAJ

.....Petitioner

Through: Ms. Meena M. Gupta, Advocate
along with petitioner

versus

STATE GOVT. OF NCT OF DELHI AND ANR.Respondents

Through: Mr. Raghuinder Verma, APP for the
State along with SI Manita
Ms. Vishakha, Advocate for R-2
along with respondent no. 2

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

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27.02.2025

CRL.M.A. 1351/2025 (Exemption)

1. Exemption allowed subject to just exceptions.
2. The application stands disposed of

CRL.M.C. 259/2025

3. 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. 1148/2018 dated 18th December, 2018 registered at Police Station - Mangolpuri, Delhi for offences punishable under Sections 498A/406/34 of the Indian Penal Code, 1860 (hereinafter "IPC").



4. The Joint Registrar (Judicial) *vide* order dated 17th January, 2025 has verified the facts and details of the instant matter.

5. The brief facts of the case are that the marriage between the petitioner and respondent no.2 got solemnized on 5th December, 2015 at Delhi according to Hindu rites and ceremonies but due to some temperamental differences between them, they started living separately since January, 2018. No child was born out of their wedlock.

6. Learned counsel for the petitioner submitted that despite several efforts of reconciliation, both the parties could not settle the differences. The respondent no.2 lodged an FIR against the petitioner at PS- Mangolpuri, Delhi on 18th December, 2018.

7. It is submitted that with the intervention of family members and well wishers, both the parties entered into settlement *vide* Counselling Cell Family Court Settlement dated 15th October, 2019 (“Settlement” hereinafter). The terms and conditions of the said settlement are mentioned in the above said settlement which is annexed as Annexure –A to the petition.

8. It is submitted that on 27th November, 2019, the petitioner and respondent no. 2 filed a fresh petition under Section 13-B (2) of the Hindu Marriage Act, 1955 (hereinafter “HMA”) before learned Judge, Family Court, North West, Rohini, Delhi and *vide* judgment/order dated 27th November, 2019, the learned Judge, Family Court, North West, Rohini, Delhi allowed the first motion of divorce and *vide* order dated 11th February, 2021, the parties were granted decree of divorce under Section 13-B (2) of the HMA.

9. 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. 1,00,000/- and all the consideration amount has been received by the respondent no. 2 as per the terms of the above said Settlement.

10. 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.

11. 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.

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

13. The petitioner is present before this Court and has been identified by their counsel, Ms. Meena M. Gupta, and Investigating Officer SI Manita, Police Station - Mangolpuri, Delhi. The respondent no. 2 is also present in the Court and has been identified by her counsel Ms. Vishakha and the Investigating Officer.

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 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 for a sum of Rs. 1,00,000/- and all the consideration amount has been received by her as per the terms of the above said Settlement. 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.

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.

16. 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.

17. 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.

18. In the present case, the complainant/respondent no.2 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.

19. 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. 1148/2018 dated 18th December, 2018 registered at Police Station - Mangolpuri, Delhi for offences punishable under Sections 498A/406/34 of the IPC and all consequential proceedings emanating therefrom are quashed.

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

CHANDRA DHARI SINGH, J

FEBRUARY 27, 2025

Rk/anr

Click here to check corrigendum, if any