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

+ **CRL.M.C. 330/2025**

SH AKSHAY KUMAR SHARMA AND OTHERSPetitioners

Through: Mr. Neeraj Sharma and Mr.
Mohinder Singh Dahiya, Advocates

versus

STATE GOVT. OF NCT OF DELHI AND ANR.Respondents

Through: Mr. Satish Kumar, APP for State with
SI Sunit Kumar, PS Jagat Puri
Mr. Saurabh Kr. Kaushik, Ms.
Sandhya Sharma R. And Ms. Niyati
Sharma, Advocates for R-2

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

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06.02.2025

CRL.M.A.1636/2025 (for exemption)

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

CRL.M.C. 330/2025

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 petitioners praying for quashing of FIR bearing No. 066/2024, registered at Police Station – Jagatpuri, Delhi, for offences punishable under Sections 498A/406/34 of the Indian Penal Code, 1860 (hereinafter “IPC”).



2. The Joint Registrar (Judicial) vide order dated 24th 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 no. 1 and respondent no. 2 got solemnized on 19th February, 2020 according to Hindu rites and customs at Delhi but due to some temperamental differences between them, they started living separately since 12th April, 2022. No child born out of the said wedlock. The aforesaid FIR was registered against the petitioners at Police Station– Jagatpuri, Delhi on 21st January, 2024.

4. Learned counsel appearing on behalf of the petitioners submitted that with the intervention of family members and relatives, both the parties amicably settled the matter *vide* Settlement dated 9th October, 2024 before the learned Principal Judge, Family Courts, North-West Rohini, Delhi. The terms and conditions of the said settlement are mentioned in the settlement which is annexed as Annexure-P-2 to the instant petition.

5. Therefore, it is prayed that the instant FIR may be quashed on the basis of the above said settlement and in accordance with the settled law on this point as posited by the Hon'ble Supreme Court.

6. Learned APP for the State submitted that there is no objection 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.

7. Heard learned counsel for the parties and perused the material placed on record.

8. The petitioners are also present before this Court through video conferencing and have been identified by their counsel Mr. Neeraj Sharma, and Investigating Officer, SI Sunit Kumar, Police Station- Jagat Puri, Delhi.



The respondent no. 2 is also present in the Court and has been identified by the Investigating Officer as well as her counsel Mr. Saurabh Kr. Kaushik.

3. On the query made by this Court, respondent no.2 submitted that she has settled all her claims in respect of her dowry articles, *stridhan*, marriage expenses, gift items and claims of past, present and future maintenance with the petitioner for a sum of Rs. 24,00,000/- and agreed jewellery articles and all disputes of any nature whatsoever which has already been received by her. She further submitted *vide* judgment and order dated 3rd January, 2025, the petitioner No.1 and respondent No.2 were granted decree of divorce under Section 13-B (2) of the Hindu Marriage Act, 1955 and she does not want 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.

9. 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.

10. 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.

11. 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.

12. 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.

13. In view of the settlement arrived at between the parties, law laid down by the Hon'ble Supreme Court, the present petition is allowed. Accordingly, FIR bearing No. 066/2024, registered at Police Station – Jagat Puri, Delhi, for offences punishable under Sections 498A/406/34 of the IPC and all consequential proceedings emanating therefrom are quashed.

14. The petition alongwith pending applications, if any, stands disposed of.

CHANDRA DHARI SINGH, J

FEBRUARY 6, 2025

Rt/anr

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