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

+ CRL.M.C. 366/2025

**SANJEET DAGAR & ORS.**

....Petitioners

Through: Mr. Anirush Yadav, Mr. Himanshu  
Nagarwal and Mr. Ritik Grewal,  
Advocates

versus

**THE STATE OF NCT OF DELHI & ANR.** ....Respondents

Through: Mr. Raghuinder Verma, APP for  
State along with W/ASI Pushpa and  
SI Ashok Kumar  
Mr. Pravesh Dabas, Advocate for R-2  
with R-2 in person through vc

**CORAM:**

**HON'BLE MR. JUSTICE CHANDRA DHARI SINGH**

**ORDER**

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**17.02.2025**

**CRL.M.A.1788/2025 (for exemption)**

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

**CRL.M.C.366/2025**

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 by the petitioners praying for quashing of FIR bearing No. 87/2021 dated – 24<sup>th</sup> June, 2021 registered at Police Station - Jaffarpur Kalan, Delhi for offences punishable under Sections 498A/406/509/506/377/34 of the Indian Penal



Code, 1860 (hereinafter “IPC”).

4. The Joint Registrar (Judicial) *vide* order dated 21<sup>st</sup> 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 no. 1 and respondent no. 2 got solemnized on 12<sup>th</sup> December, 2002 at Delhi according to Hindu rites and ceremonies but due to some temperamental differences between them, they started living separately since 10<sup>th</sup> January, 2021. The respondent No.2 filed a complaint against the petitioners dated - 16<sup>th</sup> January, 2021 to Crime Against Women Cell, Dwarka which led to registration of the aforesaid FIR. Two children born out of the said wedlock who have attained majority and are living in the custody of respondent No.2.

6. Learned counsel appearing on behalf of the petitioners submitted that with the intervention of family members and well wishers, both the parties entered into settlement *vide* Memorandum of Understanding cum Settlement Deed dated 12<sup>th</sup> July, 2024 (“MoU” hereinafter). The terms and conditions of the said MoU are mentioned in the MoU which is annexed as Annexure C to the petition.

7. It is submitted that on 19<sup>th</sup> December, 2024, the petitioner no. 1 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-01, SW, Dwarka, New Delhi and *vide* judgment/order dated 19<sup>th</sup> December, 2024, the parties were granted decree of divorce.

8. It is further 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



without any consideration amount as per the terms of the above said MoU.

9. Therefore, it is prayed that the instant FIR may be quashed on the basis of above said MoU dated 12<sup>th</sup> July, 2024 and in accordance with the settled law on this point as posited by the Hon'ble Supreme Court.

10. 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.

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

12. Petitioners are present before this Court through video conferencing and they have been identified by their counsel, Mr. Anirush Yadav and Investigating Officer SI Ashok Kumar, Police Station - Jaffarpur Kalan, Delhi. The respondent no. 2 is also present in the Court through video conferencing and has been identified by her counsel Mr. Pravesh Dabas and the Investigating Officer.

13. 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 without any consideration amount as per the terms of the above said MoU. It is further stated by the respondent no.2 that the entire dispute has been amicably settled between the parties 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 Agreement arrived at between the parties.

14. 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.

15. 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.

16. 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.

17. 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.

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. 87/2021 dated – 24<sup>th</sup> June, 2021 registered at Police Station – Jaffarpur Kalan, Delhi for offences punishable under Sections 498A/406/509/506/377/34 of the IPC and all consequential proceedings emanating therefrom are quashed.

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

20. It is made clear that since both the children of the parties have attained majority, they can claim their right in the ancestral property of the petitioner No.1.

**CHANDRA DHARI SINGH, J**

**FEBRUARY 17, 2025**

rt/anr

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