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

+ CRL.M.C. 629/2025 & CRL.M.A. 2997/2025

MD ASIF & ORS.

.....Petitioners

Through: Ms. Vidhi Jain, & Mr. Daljeet Singh
Advocates

versus

THE STATE GOVT OF NCT OF DELHI & ANR.Respondent

Through: Mr. Laksh Khanna, APP for Ms.
Richa Dhawan, APP for the State
SI Anugraha PS Welcome
Ms Archana Rani, Adv along with R-
2 in person.

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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27.02.2025

1. The present petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita 2023 ('BNSS') seeking the relief for quashing of FIR No.259/2016, U/s 498-A/406/34 IPC & Section 4 of Dowry Prohibition Act, 1961 P.S. Welcome, Delhi and all proceedings emanating therefrom.
2. In light of the practice directions dated 24.12.2024 issued in relation to deal with the petitions seeking quashing of FIR based on compromise, the learned Joint Registrar (Judicial) vide order dated 17.02.2025 has recorded that the parties have resolved their dispute and have agreed to amicably settle the dispute.
3. The subject FIR has been filed on the complaint of Respondent No. 2. Petitioner No. 1 is the husband, Petitioner No. 2 is the mother-in-law, Petitioner Nos. 3 & 4 are sisters-in-law of Respondent No.2.
4. It is the case of the Petitioners that parties have settled all their disputes. It is stated that as per the settlement between the parties, a sum of



Rs. 4,00,000/- (Rupees four lakhs) was payable to Respondent No. 2 towards her permanent alimony.

5. Respondent no. 2, who is present in Court has been duly identified by her counsel and the IO.

6. Learned counsel for the Petitioners states that the dispute has been amicably settled between the parties, and parties have duly entered into a Settlement Agreement dated 06.11.2022, before the Mediation Centre Karkardooma Courts, Delhi.

7. She further states that Petitioner no. 1 is currently employed as a daily wage worker and is, therefore, unable to increase the fixed compensation that has already been paid to Respondent No. 2. She states that nevertheless the rights concerning the maintenance of the minor child have not been negotiated between the parties, and the settlement reached is exclusively between Petitioner No. 1 and Respondent No. 2, without any implications for the child's rights to maintenance.

8. This Court has interacted with Respondent no. 2 in vernacular. She states that she has decided to re-marry and she will be keeping the sole custody of her minor male child, Mohd. Alfaiz. She states that she is satisfied with the permanent alimony of Rs. 4,00,000/- (Rupees four lakhs) given to her and she does not seek any further enhancement of her maintenance from the Petitioner no. 1. She states that she has no further grievances or claims against the Petitioners and has agreed to withdraw all the allegations against the Petitioners.

9. At this point it would be apposite to refer the judgement of Supreme Court in the case of **J. Ramesh Kamath v. Mohana Kurup**, (2016) 12 SCC 179 wherein Supreme Court opined that power vested with this Court under



section 482 CrPC is not limited to quashing within ambit and scope of Section 320 CrPC and same can be extended to quashing of proceedings based on settlement until the crime is not against the society. The relevant extract of the said judgment reads as under:

“14. A perusal of the above determination leaves no room for any doubt that this Court crystallised the position in respect of the powers vested in the **High Court under Section 482 of the Criminal Procedure Code, to quash criminal proceedings. It has now been decisively held that the power vested in the High Court under Section 482 of the Criminal Procedure Code is not limited to quashing proceedings within the ambit and scope of Section 320 of the Criminal Procedure Code.** The three-Judge Division Bench [Gian Singh v. State of Punjab, (2012) 10 SCC 303 : (2012) 4 SCC (Civ) 1188 : (2013) 1 SCC (Cri) 160 : (2012) 2 SCC (L&S) 988] **in the above case clearly expounded that quashing of criminal proceedings under Section 482 of the Criminal Procedure Code could also be based on settlements between private parties and could also on a compromise between the offender and the victim. Only that, the above power did not extend to crimes against the society.** It is also relevant to mention that the jurisdiction vested in the High Court under Section 482 of the Criminal Procedure Code for quashing criminal proceedings was held to be exercisable in criminal cases having an overwhelming and predominately civil flavour, particularly offences arising from commercial, financial, mercantile, civil, partnership, or such like transactions. **Or even offences arising out of matrimony relating to dowry, etc.** Or family disputes where the wrong is basically private or personal. In all such cases, the parties should have resolved their entire dispute by themselves, mutually.”

(Emphasis Supplied)

10. Keeping in view the nature of the dispute and the fact that the parties have amicably settled the dispute and considering the chances of conviction of the Petitioners being remote and bleak, this Court is, therefore, of the view that there is no use of continuing with proceedings of the present FIR,



as it would be a misuse of the process of the Court and an unnecessary burden on the State exchequer. Further, this Court is also of the considered opinion that it is a fit case to exercise discretionary jurisdiction under Section 528 of BNSS.

11. It is however clarified that the said settlement will not affect the rights of the minor child, Mohd. Alfaiz, in future.

12. Accordingly, the petition is allowed. Consequently, the FIR No. 259/2016 dated 16.06.2016 registered at Police Station (PS) Welcome for offences under Sections 498A/406/34 of the Indian Penal Code, 1860 and Section 4 of Dowry Prohibition Act along with all proceedings emanating therefrom are quashed.

13. Parties shall abide by the terms of the settlement.

14. The investigating Officer ('IO') is directed to appraise the Trial Court with respect to the quashing of the subject FIR.

15. Pending application stands disposed of as infructuous.

16. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of order shall be insisted by any authority/entity or litigant.

MANMEET PRITAM SINGH ARORA, J

FEBRUARY 27, 2025/hp/AM

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