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

+ **W.P.(CRL) 459/2023, CRL.M.A. 4303/2023**

DHIRENDRA KUMAR SINGH @ VIKRANTPetitioner

Through: Mr. Vijay Kumar, Advocate with
Petitioner in person.

versus

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

Through: Mr. Rahul Tyagi, Mr. Mathew M.
Philip, Sangeet Sibou and Mr. Aniket
Kumar Singh, Advocates for State
with Mr. Kailash C., SI, PS-Sagarpur.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

03.03.2025

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1. The present petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973¹ seeks quashing of FIR No. 318/2015 dated 20th April, 2015, under Sections 498A, 406 and 34 of the Indian Penal Code, 1860², registered at P.S. Sagar Pur, and all proceedings emanating therefrom. This request is made pursuant to an amicable settlement arrived at by the parties.

2. On 28th November, 2012, marriage between Petitioner No. 1 and Respondent No. 2 (the Complainant) was solemnised as per Hindu rites and customs, however only a few months after their marriage, the parties

¹ "Cr.P.C."

² "IPC"



separated on account of temperamental differences and disharmony. No child was born from the marriage of the parties. On 20th April, 2015, while the couple were separated and Respondent No. 2 (Complainant) was living with her sister in Delhi, she filed the present FIR under Section 498A, 406 and 34 of the IPC against the Petitioners – i.e., her husband (Petitioner No. 1), mother-in-law (Petitioner No. 2), father-in-law (Petitioner No. 3), brothers-in-law (Petitioners No. 4 and 7) and sisters-in-law (Petitioners No. 5 and 6).

3. During the pendency of the present proceedings, on the intervention of family elders and common contacts, Petitioner No. 1 and Respondent No. 2 (the Complainant) agreed to mutually settle all their disputes and seek divorce with mutual consent. It is pointed out that the pursuant to this agreement, the parties filed and have been granted divorce by mutual consent by way of judgement dated 13th February, 2019 passed by the Principal Judge, Family Court, Bhabhua, District Kaimur, Patna, Bihar.

4. In the said judgement the Principal Judge has noted that both the parties have given statements to the Court that as a one-time settlement of all maintenance claims, Petitioner No. 1 has agreed to pay a total amount of INR 6 Lakhs to Respondent No. 2, which has been accepted by her. Further, in her statement which has been recorded in the said judgement, Respondent No. 2 has stated that she will not make any other claim of maintenance against Petitioner No. 1 and that she will close the three cases for maintenance, Domestic violence and demand of dowry and cruelty, respectively, which have been filed by her in Delhi, on the basis of mutual agreement and settlement.

5. On the basis of such unequivocal consent of the parties to settle their



differences and dissolve their marriage, the Principal Judge, Family Court has granted divorce to the parties, observing as follows:

“5. On perusal of evidences of both the parties, it is clear that the Petitioner and the Respondent have filed the petition for dissolution of marriage on the basis of mutual consent willingly and without any force. Upon failure of efforts of reconciliation, evidence of both the parties were recorded, in which the Petitioner and the Respondent have clearly stated in her evidences that both the parties got married on 28.11.12 and the Petitioner is living separately from his wife for more than one year. Now, there is no possibility of residing them together. Both the parties have identified their signatures on their evidences which have been marked as Exhibit-1 and Exhibit-A respectively. The Petitioner has filed in the court Bank Draft no. 238935, dated 18.07.18 for an amount of Rupees six lakhs only issued by Punjab National Bank in favour of his wife Amrita Devi, as one time maintenance amount, which has been accepted by the Respondent wife. The Respondent has clearly stated in her evidence that as many cases I have filed against my husband in courts of Delhi, I shall close all of them on the basis of settlement. Under these circumstances, according to provisions of the Hindu Marriage Act, 1976 that marriage may be dissolved by mutual consent if both the parties are residing separately for more than one year. On perusal of case file and evidences of this case, on the basis of statements of admission of both the parties it seems justified to accept the petition for dissolution of marriage on mutual consent, as per law. Both the parties have clearly stated before the court even today, that they are not in position to live together. Hence, under the circumstances as above referred, instant petition filed with mutual consent is liable to be accepted.

ORDER

The petition filed by Petitioner Dhirendra @ Vikrant (Husband) and Respondent Amrita Devi (Wife) under Section 13 (B) of the Hindu Marriage Act for dissolution of marriage with mutual consent is allowed. The marriage solemnized between Petitioner Dhirendra @ Vikrant (Husband) and Respondent Amrita Devi (Wife) is dissolved from today.”

6. In view of this settlement, the Complainant who is present before the Court in person and has been identified by the concerned Investigating Officer, has expressed her intent not to pursue the present FIR or the proceedings emanating therefrom. She confirms to the Court that she has



duly received the settlement amount from Petitioner No. 1 as per their agreement. She further confirms to the Court that she is not under any undue influence or coercion and has taken the decision to settle the matter voluntarily.

7. The Petitioners have also appeared before the Court in person and are duly identified by the concerned Investigating Officer. The Petitioners pray that in light of the settlement between the Petitioner No. 1 and Respondent No. 2 (Complainant), the subject FIR and all proceedings emanating therefrom be quashed.

8. The Court has considered the submissions of the parties. Notably, offence under Section 498A of IPC is non-compoundable while offence under Section 406 of IPC is compoundable in certain cases. However, it is well settled that this Court in exercise of power under Section 482 of the CrPC can compound offences which are non-compoundable on the ground that there is a compromise between the accused and the complainant. In this regard, the Supreme Court in **Narinder Singh & Ors. v. State of Punjab & Anr.**,³ has laid down certain guidelines and parameters for the High Courts while accepting settlement and quashing the proceedings:

“29. In view of the aforesaid discussion, we sum up and lay down the following principles by which the High Court would be guided in giving adequate treatment to the settlement between the parties and exercising its power under Section 482 of the Code while accepting the settlement and quashing the proceedings or refusing to accept the settlement with direction to continue with the criminal proceedings:

29.1. Power conferred under Section 482 of the Code is to be distinguished from the power which lies in the Court to compound the offences under Section 320 of the Code. No doubt, under Section 482 of the Code, the High Court has inherent power to quash the criminal proceedings even in those cases which are not compoundable, where the parties have settled

³ (2014) 6 SCC 466.



the matter between themselves. However, this power is to be exercised sparingly and with caution.

29.2. When the parties have reached the settlement and on that basis petition for quashing the criminal proceedings is filed, the guiding factor in such cases would be to secure:

(i) ends of justice, or

(ii) to prevent abuse of the process of any court.

While exercising the power the High Court is to form an opinion on either of the aforesaid two objectives.

29.3. Such a power is not to be exercised in those prosecutions which involve heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. Such offences are not private in nature and have a serious impact on society. Similarly, for the offences alleged to have been committed under special statute like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity are not to be quashed merely on the basis of compromise between the victim and the offender.

29.4. On the other hand, those criminal cases having overwhelmingly and predominantly civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes should be quashed when the parties have resolved their entire disputes among themselves.

29.5. While exercising its powers, the High Court is to examine as to whether the possibility of conviction is remote and bleak and continuation of criminal cases would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal cases.”

[Emphasis Supplied]

9. Similarly, in the case of ***Parbatbhai Aahir & Ors. v. State of Gujarat & Anr.***,⁴ the Supreme Court had observed as under:

“16. The broad principles which emerge from the precedents on the subject, may be summarised in the following propositions:

16.1. Section 482 preserves the inherent powers of the High Court to prevent an abuse of the process of any court or to secure the ends of justice. The provision does not confer new powers. It only recognises and preserves powers which inhere in the High Court.

16.2. The invocation of the jurisdiction of the High Court to quash a first information report or a criminal proceeding on the ground that a

⁴ (2017) 9 SCC 641



settlement has been arrived at between the offender and the victim is not the same as the invocation of jurisdiction for the purpose of compounding an offence. While compounding an offence, the power of the court is governed by the provisions of Section 320 of the Code of Criminal Procedure, 1973. The power to quash under Section 482 is attracted even if the offence is non-compoundable.

16.3. In forming an opinion whether a criminal proceeding or complaint should be quashed in exercise of its jurisdiction under Section 482, the High Court must evaluate whether the ends of justice would justify the exercise of the inherent power.

16.4. While the inherent power of the High Court has a wide ambit and plenitude it has to be exercised (i) to secure the ends of justice, or (ii) to prevent an abuse of the process of any court.

16.5. The decision as to whether a complaint or first information report should be quashed on the ground that the offender and victim have settled the dispute, revolves ultimately on the facts and circumstances of each case and no exhaustive elaboration of principles can be formulated.

16.6. In the exercise of the power under Section 482 and while dealing with a plea that the dispute has been settled, the High Court must have due regard to the nature and gravity of the offence. Heinous and serious offences involving mental depravity or offences such as murder, rape and dacoity cannot appropriately be quashed though the victim or the family of the victim have settled the dispute. Such offences are, truly speaking, not private in nature but have a serious impact upon society. The decision to continue with the trial in such cases is founded on the overriding element of public interest in punishing persons for serious offences.

16.7. As distinguished from serious offences, there may be criminal cases which have an overwhelming or predominant element of a civil dispute. They stand on a distinct footing insofar as the exercise of the inherent power to quash is concerned.

16.8. Criminal cases involving offences which arise from commercial, financial, mercantile, partnership or similar transactions with an essentially civil flavour may in appropriate situations fall for quashing where parties have settled the dispute.

16.9. In such a case, the High Court may quash the criminal proceeding if in view of the compromise between the disputants, the possibility of a conviction is remote and the continuation of a criminal proceeding would cause oppression and prejudice; and



16.10. There is yet an exception to the principle set out in propositions 16.8. and 16.9. above. Economic offences involving the financial and economic well-being of the State have implications which lie beyond the domain of a mere dispute between private disputants. The High Court would be justified in declining to quash where the offender is involved in an activity akin to a financial or economic fraud or misdemeanour. The consequences of the act complained of upon the financial or economic system will weigh in the balance.”

[Emphasis Supplied]

10. In view of the law discussed above as well as the settlement between the parties, the Court is of the considered opinion that this matter deserves to be given a quietus, as the continuation of the present proceedings would serve no fruitful purpose, but rather only amount to an abuse of the judicial process and impose an unwarranted burden on the State Exchequer.

11. Accordingly, the petition is allowed and FIR No. 318/2015 dated 20th April, 2015, under Sections 498A, 406 and 34 of the Indian Penal Code, 1860⁵, registered at P.S. Sagar Pur, and the proceedings emanating therefrom are quashed.

12. Accordingly, the petition is disposed of along with pending application.

SANJEEV NARULA, J

MARCH 3, 2025

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⁵ “IPC”