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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 925/2025 & CRL.M.As. 4266-4267/2025**
CHANDRABHAN RATHOR & ORS.Petitioners

Through: *Appearance not given.*

versus

STATE GOVT OF NCT OF DELHI & ANR.Respondents
Through: Mr. Satinder Singh Bawa, APP for
State.
SI Anuradha, P.S. H. Vihar.
Mr. A. Ali Khan, Advocate for R-2.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
21.03.2025

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1. The present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (earlier Section 482 of the Code of Criminal Procedure, 1973²) has been filed seeking quashing of FIR No. 238/2009, under Sections 498A, 406, and 34 of the Indian Penal Code, 1860³ and Section 4 of the Dowry Prohibition Act, 1961⁴, registered at P.S. Harsh Vihar, Delhi, as well as all consequential proceedings emanating therefrom. Subsequent to the investigation, a chargesheet has been filed *qua* the Petitioners under Sections 498A, 406, 34 and 174-A of IPC.

2. The request in the instant petition is made in light of the amicable

¹ "BNSS"

² "CrPC."

³ "IPC"



settlement reached between the parties, as evidenced by the Settlement Deed dated 4th February, 2025, between the Petitioners and Respondent No.2 (the Complainant). A copy of the aforementioned Settlement Deed has been duly placed on record.

3. The marriage between Petitioner No. 1 and Respondent No. 2 was solemnised on 31st May, 2005, however the parties eventually separated on account of temperamental differences. The marriage has now been dissolved through a decree of divorce under Section 13(1)(ia) of the Hindu Marriage Act, 1955⁵, dated 12th July, 2021 issued by the Additional District Judge-02, Karkardooma Courts, Delhi.

4. Respondent No. 2 has given her statement before the Joint Registrar of this Court on 13th February, 2025, to the effect that she has voluntarily and without any pressure or coercion from anyone, on the intervention of friends and family and after obtaining due legal advice, has decided to settle all her issues and disputes with the Petitioners. In this regard, she has also stated that she entered into the Settlement Deed dated 4th February, 2025 which bears her signatures, on her own free will. Further, Respondent No. 2 has deposed that she has received a sum of INR 40,000/- in the form of a Demand Draft in the court, which amount is in lieu of settlement of her alimony and maintenance claims in the past, present and future and she has also received her entire jewellery and articles as per the Settlement Deed. Thus, in such circumstances, she has stated that she has no objections if the FIR No. 238/2009 is quashed against the Petitioners.

5. At this juncture, it is imperative to emphasise the Court's power under

⁴ "Dowry Prohibition Act"

⁵ "HMA"



Section 482 of the CrPC to quash criminal proceedings pursuant to a settlement between the parties. In this regard, the Supreme Court in *Narinder Singh & Ors. v. State of Punjab & Anr.*,⁶ 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 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.

⁶ (2014) 6 SCC 466.



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]

6. 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.

7. Accordingly, the petition is allowed, and FIR No. 238/2009, under Sections 498A, 406, and 34 of the IPC and Section 4 of the Dowry Prohibition Act, registered at P.S. Harsh Vihar, Delhi, as well as all consequential proceedings emanating therefrom are hereby quashed *qua* the Petitioners.

8. The parties shall abide by the terms of settlement.

9. Accordingly, the petition is disposed of. Pending applications (if any) are disposed of as infructuous.

SANJEEV NARULA, J

MARCH 21, 2025

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