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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 1103/2025**

GULSHAN KUMAR

.....Petitioner

Through: Mr. Deepak Rao, Advocate (Through
VC)

versus

THE STATE NCT OF DELHI AND ANR

.....Respondents

Through: Mr. Nawal Kishore Jha, APP for State
with ASI Anju Bala, PS: Sarai Rohilla

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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03.03.2025

1. The present petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') seeking the relief of quashing of FIR No. 543/2024 registered at Police Station Sarai Rohilla, Delhi under Section 498A/406/34 of Indian Penal Code, 1860 ('IPC') and the proceedings emanating therefrom.
2. In light of the practice directions dated 24.12.2024, in relation to dealing 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 amicably settle their dispute and part ways.
3. The subject FIR has been filed on the complaint of Respondent No. 2; and Petitioner is her husband.
4. Learned counsel for the Petitioner has joined the proceedings through Video Conferencing and is accompanied by both the Petitioner and Respondent No. 2, who are identified by the IO.



5. It is the case of the Petitioner, that parties have settled all their disputes. It is stated that as per the settlement deed dated 10.01.2025 between the parties, sum of Rs 40,00,00/- (Rupees forty lakhs) was payable to Respondent No.2 towards her alimony and settlement, which has been paid. It is stated that the settlement amount is also towards the future maintenance of the minor child and the payment has been made without any prejudice towards the legal rights of the minor child.

6. There is one child born out of the wedlock and the parties have agreed that the sole custody of the minor child shall remain with Respondent No. 2 and in fact, the Petitioner has waived of his visitation rights to the minor child. It has been agreed that Petitioner's family members and relatives will also not have any visitation rights to the said minor child.

7. It is stated that the parties have already obtained a divorce decree by mutual consent on 27.01.2025 in HMA No. 134/25.

8. Learned APP states on instruction from the Investigating Officer ('IO') that no charge-sheet has been filed in the present petition.

9. At this juncture, it would be apposite to refer the judgement of Supreme Court in the case of **J. Ramesh Kamath v. Mohana Kurup**¹, 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:

“ A perusal of the above determination leaves no room for any doubt that this Court crystallised the position in respect of the

¹ (2016) 12 SCC 179



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 predominatingly 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. In the circumstances, in line with the law laid down by the Supreme Court in **Gian Singh vs. State of Punjab & Anr²**.. as also in **Narinder Singh & ors. Vs. State of Punjab & Anr³**., this Court sees no reason why the subject FIR and all proceedings emanating therefrom should not be quashed. This Court is of the view that in light of the settlement between the contesting parties, continuing with the subject FIR and all subsequent proceedings would be an exercise in futility and would not be conducive to peace and harmony between the parties.

² (2012) 10 SCC 303



11. 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 petitioner being remote and bleak, this court, therefore, of the view that there is no use of continuing with proceedings of the present FIR, as it would be an issue of the process of the court and an unnecessary burden on the State exchequer. Further, this court is also of the considered opinion that is a fit case to exercise discretionary jurisdiction under Section 528 of BNSS.

12. It is, however, clarified that the settlement arrived at between the Petitioner and Respondent No. 2 will not affect the legal rights of the minor child Radhika vis-à-vis her parents in future.

13. Accordingly, the petition is allowed. Consequently, the FIR No. 543/2024 registered at Police Station Sarai Rohilla, Delhi under Section 498A/406/34 of Indian Penal Code, 1860 and proceedings emanating therefrom, are quashed, *qua* the petitioner.

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

15. Parties shall abide by the terms of settlement.

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

MANMEET PRITAM SINGH ARORA, J
MARCH 03, 2025/rhc/AKP

³ (20214) 6 SCC 466