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

+ **CRL.M.C. 1463/2025**

SHRI PARVESH YADAV @ PRAVESH YADAV & ORS.

.....Petitioners
Through: Mr. Rahul Kumar and Mr. Ramadhar
Thakur, Advocates along with
petitioners in person

versus

**THE STATE (GOVT. OF NCT OF DELHI) THROUGH SHO, P.S.
MOTI NAGAR & ANR.**

.....Respondent
Through: Mr. Raghuinder Verma, APP for the
State along with SI Yogendra Kumar
Mr. Amit Yadav, Advocate for R-2
along with respondent no.2 in person.

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

ORDER
05.03.2025

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CRL.M.A.6553/2025 (Exemption)

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

CRL.M.C. 1463/2025 & CRL.M.A. 6554/2025

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 on behalf of the petitioners praying for quashing of FIR bearing No. 0312/2019



registered at Police Station - Moti Nagar, Delhi, for offences punishable under Sections 498A/406/34 of the Indian Penal Code, 1860 (hereinafter “IPC”).

4. The Joint Registrar (Judicial) *vide* order dated 28th February, 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 22nd May, 2017 at New Delhi according to Hindu rites and ceremonies but due to some temperamental differences between them, they started living separately since June, 2017. No child was born out of their wedlock.

6. Learned counsel for the petitioners submitted that despite several efforts of reconciliation, both the parties could not settle the differences. The respondent no.2 lodged complaint against the petitioners leading to registration of the instant FIR against all the petitioners at PS- Moti Nagar, Delhi on 24th July, 2019.

7. It is submitted that with the intervention of family members and well wishers, both the parties entered into settlement before Delhi Mediation Centre, Tis Hazari Court, Delhi *vide* settlement dated 31st May, 2024. The terms and conditions of the said settlement are mentioned in the settlement which is annexed as Annexure P-3 to the instant petition.

8. It is submitted that on 7th November, 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-02 (West), Tis Hazari Courts, Delhi and *vide* judgment/order dated 7th November, 2024, the learned Judge, Family Court-02 (West), Tis Hazari Courts, Delhi allowed the first motion of divorce and *vide* order dated 7th



November, 2024, the parties were granted decree of divorce under Section 13-B (2) of the HMA.

9. 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 for a sum of Rs. 2,50,000/- and all the consideration amount has been received by the respondent no. 2 as per the terms of the above said settlement.

10. Therefore, it is prayed that the instant FIR may be quashed on the basis of above said settlement and in accordance with the settled law on this point as posited by the Hon'ble Supreme Court.

11. 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.

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

13. All the petitioners are present before this Court in person. They have been identified by their counsel, Mr. Rahul Kumar, and Investigating Officer SI Yogendra Kumar, Police Station- Moti Nagar, Delhi. The respondent no. 2 is also present in the Court and has been identified by her counsel Mr. Amit Yadav and the Investigating Officer.

14. 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 for a sum of Rs. 2,50,000/- and all the consideration amount



has been received by her as per the terms of the above said settlement. It is further stated by the respondent no.2 that the entire dispute has been amicably settled between the parties and she does not wish 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.

15. 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 petitioners or any person related to them.

16. 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.

17. 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.

18. In the present case, the complainant is present in Court and has categorically stated that she has entered into compromise and has 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.

19. 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. 0312/2019 dated 27th July, 2019 registered at Police Station - Moti Nagar, Delhi for offences punishable under Sections 498A/406/34 of the IPC and all consequential proceedings emanating therefrom are quashed.

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

CHANDRA DHARI SINGH, J

MARCH 5, 2025

Rk/anr

Click here to check corrigendum, if any