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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 835/2019, CRL.M.A. 3365/2019 & CRL.M.A. 3481/2020
RAJ KUMAR DHIMAN & ORSPetitioners

Through: Ms. Radhika Gautam, Ms. Shreya
Garg, Advocates for P-1, 2 & 3 with
Petitioners in person

versus

THE STATE (NCT OF DELHI) & ANRRespondents
Through: Mr. Mukesh Kumar, APP for the
State with SI Sumit, PS Sagarpur
Mr. Pramod Kumar, Mr. Shrey
Kumar, Advocates for R-2 & 3
Dipika Sharma (Victim) in person
(through VC)

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
02.09.2025

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1. The present petition Article 227 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (formerly Section 482 of the Code of Criminal Procedure, 1973²) seeks quashing of FIR No. 294/2014³ registered under Section 365 of the Indian Penal Code, 1860⁴, at P.S. Sagarpur and all consequential proceedings emanating therefrom.
2. The impugned FIR was registered on a complaint by Respondent No.

¹ "BNSS"

² "Cr.P.C"

³ "impugned FIR"



2/Complainant, alleging that his niece, Deepika Sharma (Victim) went missing after leaving for college in June, 2014. Prior to her disappearance, it is alleged that she had informed her family of threats and harassment by Vivek Dhiman (Petitioner No. 2). During investigation, it was found that Petitioner No. 2 and Deepika had allegedly married in October 2013, but the marriage documents revealed several irregularities, including lack of signatures from Deepika's side. Notably, advocate Sanjeev Dhiman (Petitioner No. 3), who was shown as representing both parties, later denied any involvement. Despite efforts, Deepika remained untraceable until October 2014, when she appeared before the concerned Investigating Officer and her statements under Sections 161 and 164 of Cr.P.C. were recorded. Based on the evidence, police filed a charge sheet against the Petitioners under Sections 365/366/328/34 of IPC.

3. The parties state that they have amicably resolved the dispute arising from the impugned FIR. Pursuant thereto, Petitioner No. 2 and Respondent No. 2 have executed a Memorandum of Understanding⁵ dated 18th December, 2019. As per the terms, both the parties have agreed to withdraw all cases pending before various courts.

4. The aforementioned MoU was noted in order dated 19th December, 2012 in Cr.MMO No. 416 of 2019 of High of Himachal Pradesh, in a petition filed by Petitioner No. 2 challenging the order of the Judicial Magistrate rejecting the cancellation report in FIR No. 165/2016 registered at P.S. Gagret. In the said proceedings, the Complainant had undertaken to support the quashing of the impugned FIR in light of the compromise

⁴ "IPC"

⁵ "MoU"



between them. The observation to this effect are as follows:

“In view of compromise arrived at between the parties, on 14.1.2020, I would make statement in the Delhi High Court for allowing the petition in terms of the compromise for quashing the FIR No. 294 of 2014, registered in Police Station Sagarpur, New Delhi.

Petitioner Vivek Dhiman has agreed to make statement to pass an order in terms of compromise in the petition filed by him under Section 9 of Hindu Marriage Act as well as in the suit preferred by Deepika Sharma for declaring the marriage/marriage certificate as null and void.

We have also decided not to drag each other or any other person(s) related to us in civil or criminal litigation on the basis of dispute which have been settled by way of this compromise between the parties. I or Deepika Sharma or any other person(s) on our behalf shall not raise any issue with respect to the manner in which the certificate of marriage bearing No. 16/M/13, dated 13.11.2013, was procured by the petitioner Vivek Dhiman. I on my behalf and on behalf of respondent No. 2 Deepika Sharma, (being her Power of Attorney holder) undertake to abide by the terms and conditions of the Memorandum of Understanding arrived at between the parties. I pray for disposing of present petition as compromised in aforesaid terms. I have signed the Memorandum of Understanding/settlement, sworn affidavit in support thereof and also deposing in this Court today out of my free will, consent and without any external pressure, coercion or threat of any kind.”

5. Respondent No. 2 present in person duly identified by the IO, states he does not wish to pursue the impugned FIR proceedings. The Petitioners also appear in person and are duly identified by the IO. In light of the amicable settlement, the Petitioners seek quashing of the impugned FIR and all proceedings arising therefrom.

6. Respondent No. 2 is the complainant in the impugned FIR and Deepika Sharma is the victim. The victim has joined the proceedings via video conferencing mechanism. Upon being queried by the Court regarding the prayer for quashing of the FIR, she states that the disputes between the parties have been amicably resolved and she has no objection to the



quashing of the FIR against any of the Petitioners. She further clarifies that the allegations in the FIR arose out of a matrimonial dispute and were not based on any substantive grievance. She also states that she since remarried in Austria, and wishes to move on with her life.

7. The Court has considered the submissions of the parties. The offences under Sections 365/366/328 of IPC are non-compoundable. At the same time, it is well settled that in the exercise of its inherent powers under Section 482 CrPC (now Section 528 BNSS), the Court may, in appropriate cases, quash proceedings in respect of non-compoundable offences if the parties have reached a genuine settlement and no overarching public interest is adversely affected. The Supreme Court in **Gian Singh v. State of Punjab & Anr.**⁶ has held as follows:

“11. As discussed above, offence punishable under Section 186/332/353 of the IPC are non-compoundable being of serious nature, however, if the Court feels that continuation of criminal proceedings will be an exercise in futility and justice in this case demands that the dispute between the parties is put to an end and peace is restored, it can order for quashing of the FIR or criminal proceedings as it is the duty of the Court to prevent continuation of unnecessary judicial process.

12. In view of the law discussed above, considering the Settlement arrived at between the parties and the statements of respondent no.1 & 2, I am of the considered opinion that this matter deserves to be given a quietus as continuance of proceedings arising out of the FIR in question would be an an exercise in futility.”

[Emphasis added]

8. Further, in **Narinder Singh & Ors. v. State of Punjab & Anr.**,⁷ the Supreme Court held as follows:

“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

⁶ (2012) 10 SCC 303

⁷ (2014) 6 SCC 466



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.

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. In the present case, both the Complainant and the Victim have unequivocally stated that they do not wish to pursue the allegations made in the impugned FIR and have amicably resolved their disputes. The settlement between the parties stands duly recorded in writing and has also been taken



note of in judicial proceedings before the High Court of Himachal Pradesh. In such circumstances, continuation of the present criminal proceedings serves no meaningful purpose, and would amount to a futile exercise, unnecessarily burdening the judicial system. In view of the foregoing, and having regard to the legal principles laid down by the Supreme Court, this Court finds the present case to be an appropriate one for exercise of jurisdiction under Section 482 of the Cr.P.C. to secure the ends of justice.

10. In view of the foregoing, the present petition is allowed and the impugned FIR No. 294/2014 and all consequential proceedings emanating therefrom are hereby quashed.

11. The parties shall remain bound by the terms of settlement.

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

SANJEEV NARULA, J

SEPTEMBER 2, 2025/ab