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

+ **CRL.M.C. 1946/2025**

TARUN BAHUGUNA & ORS.

.....Petitioners

Through: Mr. Harish Malik and Mr. Kushal
Bhattacharya, Advocates.

versus

STATE GOVT. OF NCT OF DELHI AND ANR.Respondents

Through: Mr. Digam Singh Dagar, APP for
State with Ms. Sharmila, SI, PS-
Lodhi Colony.
Mr. Vijay Tangri, Advocate.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

28.04.2025

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1. The present petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023¹ (formerly Section 482 of the Code of Criminal Procedure, 1973²) seeks to quash FIR No. 222/2022 dated 17th November, 2022, registered at P.S. Lodhi Colony for offences under Sections 498A, 406 and 34 of the Indian Penal Code, 1860,³ as well as all consequential proceedings emanating therefrom.

2. The request for quashing is made in light of the amicable settlement, as evidenced by the Settlement executed on 4th November 2024, between Petitioner No. 1 and Respondent No.2 before the counselling cell, Family

¹ "BNSS"

² "CrPC"

³ "IPC"



Courts, Saket, New Delhi. A copy of the aforementioned Settlement Agreement has been duly placed on record.

3. The marriage between Petitioner No. 1 and Respondent No. 2 was solemnised on 6th February, 2022, however, the parties eventually separated on account of temperamental differences. The marriage has now been dissolved through decree of divorce by mutual consent dated 23rd January, 2025 issued by the Family Court, South, Saket Courts, Delhi.

4. In terms of the Settlement Agreement, Petitioner No. 1 had agreed to pay a total sum of INR 1,50,000/- to Respondent No. 2. Of the said amount, a sum of INR 50,000/- has been paid to Respondent No. 2 at the time of recording of first motion for seeking divorce under Section 13-B (1) of the Hindu Marriage Act, 1955. A further sum of INR 50,000/- has been paid to her at the time of recording of statement of second motion. The remaining amount of INR 50,000/- was agreed to be paid to Respondent No. 2 at the time of quashing of the impugned FIR. In this regard, the Petitioners have placed on record a copy of the demand draft bearing DD No. 000123, for the sum of INR 50,000/- drawn on HDFC Bank dated 5th March, 2025.

5. Respondent No. 2 is present through video conferencing mechanism, duly identified by the IO as well as the counsel. She states that she has no objections to the quashing of the FIR. An affidavit cum No Objection Certificate to this effect has also been placed on record.

6. Before the Joint Registrar, on 21st March 2025, Petitioner No. 1 gave the demand draft to Respondent No. 2. Thereafter, the statement of Respondent No. 2 was record on the same day, wherein she affirmed receipt of the entire settlement amount. It was recorded in the statements of Petitioners and Respondent no. 2 that settlement has been arrived at between

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the parties without any force, coercion, undue influence and pressure. Respondent no. 2 has no objections to the quashing of the impugned FIR.

7. At this juncture, it is imperative to emphasise the Court's power under Section 528 of BNSS (formerly 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.**,⁴ 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.

⁴ (2014) 6 SCC 466.



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]

8. 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.

9. Accordingly, the petition is allowed, and FIR No. 222/2022 dated 17th November, 2022, registered at P.S. Lodhi Colony for offences under Sections 498A, 406 and 34 of the Indian Penal Code, 1860,⁵ and the proceedings emanating therefrom are quashed.

10. Needless to state, the parties shall abide by the terms of settlement.

11. Accordingly, the petition is disposed of. Pending applications, if any, are disposed of as infructuous.

SANJEEV NARULA, J

APRIL 28, 2025

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⁵ “IPC”

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