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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 2307/2025 & CRL.M.As.10380/2025,10381/2025,
10382/2025

PRAVEEN KUMAR DAHIYA & ANR.

.....Petitioners

Through: Mr. Santwana Agarwal and Ms.
Saumya Agarwal, Advocates.

versus

STATE OF NCT OF DELHI & ANR.

.....Respondents

Through: SI Mukul Tyagi, P.S. Palam Village.
Mr. Parveen Kumar, Advocate for R-
2 with R-2 (in-Person).

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
30.04.2025

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1. The present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (formerly Section 482 of the Code of Criminal Procedure, 1973²) has been filed seeking quashing of FIR No. 318/2011 dated 30th November, 2011, under Sections 498A and 406 of the Indian Penal Code, 1860,³ registered at P.S. Palam Village, as well as all consequential proceedings emanating therefrom. This request is made in light of the amicable compromise arrived at between the Petitioner No. 1 and the Respondent (Complainant) before the Trial Court in proceedings

¹ "BNSS"

² "Cr.P.C."

³ "IPC"



under Section 13 of the Hindu Marriage Act, 1955. The details of the settlement arrived at between the parties has been recorded in the order dated 3rd February, 2023 passed by the Family Court, a copy whereof has been placed on record and is perused by the Court.

2. As per the aforementioned settlement, the parties resolved to obtain a decree of divorce by way of mutual consent by filing an appropriate application within three months. It was further resolved that the Petitioner would pay a sum of INR 17,75,000/- to Respondent No. 2 (Complainant) towards her right of permanent alimony, maintenance, properties, etc. as well as towards the right of the parties' minor child, who shall be in the custody of Respondent No. 2. Furthermore, the parties agreed to withdraw all pending litigations between them and also coo-operate in quashing of the subject FIR before this Court.

3. Subsequently, the parties gave their joint statement before the Family Court confirming the settlement recorded in the aforementioned order. Accordingly, the marriage between them has now been dissolved through decree of divorce by mutual consent dated 7th December, 2024, issued by the Family Court, Sonipat. In light of the above, the Petitioners seek quashing of the FIR

4. It is noted that on 4th April, 2025, Respondent No. 2 has also given her statement before the Joint Registrar of this Court, further confirming that she has amicable settled the dispute, without any force, coercion, undue influence and pressure. As such, she confirmed that she does not wish to pursue the present FIR against the Petitioners. An affidavit cum No Objection Certificate to this effect has also been placed on record

5. Respondent No. 2, who is present before the Court in person and is



identified by her counsel, states that she has no objections to the quashing of the subject FIR and that she has received all the money as per the settlement arrived at between the parties. She further confirms to the Court that this decision to settle the matter has been taken by her voluntarily, without any force, coercion or undue influence.

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

⁴ (2014) 6 SCC 466.



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]

7. 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.

8. Accordingly, the petition is allowed, and FIR No. 318/2011 dated 30th November, 2011, registered at P.S. Palam Village and all proceedings emanating therefrom are hereby quashed.

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

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

SANJEEV NARULA, J

APRIL 30, 2025

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