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

+ CRL.M.C. 2948/2025

RAKESH KUMAR AND OTHERPetitioners

Through: Mr. Vikas Sharma, Adv.
Petitioners in person.

versus

STATE NCT OF DELHI AND ANRRespondents

Through: Mr. Satish Kumar, APP for State.
SI Priyadarshani
R-2 in person.

CORAM:

HON'BLE MR. JUSTICE AJAY DIGPAUL

ORDER

% **01.08.2025**

CRL.M.A. 13112/2025 (Exemption)

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

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3. The instant petition under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter "CrPC.") has been filed on behalf of the petitioners praying for quashing of FIR bearing No. 329/2022 dated 12.06.2022, registered at Police Station – Sagarpur, Delhi, for offences punishable under Sections 498A/406/34 of the Indian Penal Code, 1860 (hereinafter "IPC").

4. The brief facts of the case are that the marriage between petitioner no. 1 and respondent no.2 got solemnized on 26.11.2007 at Delhi, according to



Hindu rites and ceremonies. They are succeeded by two daughters. However, due to some temperamental differences between them, they started living separately from the year 2022 onwards.

5. Despite efforts of reconciliation, the parties could not settle their differences, pursuant to which respondent no. 2 registered FIR no. 329/2022.

6. However, at this stage, with the intervention of family members and relatives, both the parties have entered into a settlement on 28.11.2024 before the Delhi Mediation Centre, Patiala House Courts, New Delhi. The terms and conditions of the said settlement are mentioned in the settlement deed which is annexed as Annexure B to the petition.

7. In terms of the said settlement, a deposit of ₹2,00,000/- in a joint account shared between the husband and wife, by the husband, has been agreed upon. Additionally, a sum of ₹4,000/- as pocket money shall be payable per month by the husband to the wife, and the husband shall deposit ₹2,00,000/- in the name of each minor daughter in the Sukanya Samridhi Scheme.

8. The parties began living together post the signing of the settlement agreement.

9. It is prayed that the instant FIR be quashed on the basis of the settlement agreement dated 28.11.2024.

10. Learned APP for the State submits that there is no opposition 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.

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

12. The petitioners are present before this Court and have been identified by the Investigating Officer, Police Station Sagarpur, Delhi. Respondent no.



2 is also present in the Court and has been identified by her counsel and the Investigating Officer.

13. 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.

14. 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 petitioner or any person related to him.

15. 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 CrPC, 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 do not have a serious impact on society.

16. 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 the CrPC 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 consciousness of society and that the compromise between the parties is voluntary and amicable.



17. In the present case, the complainant/respondent no. 2 is present in Court and has categorically stated that she has entered into the compromise and settled the entire dispute 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 the petitioners have been bad towards her after the compromise. As per the settlement, the respondent no. 2 has received the entire settlement amount. Further, her affidavit, stating no objection to the instant FIR being quashed, is also on record.

18. Therefore, 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.

19. Accordingly, FIR bearing No. 329/2022, dated 12.06.2022, registered at Police Station – Sagarpur, Delhi, for the offences punishable under Sections 498A/406/34 of the IPC and all the consequential proceedings emanating therefrom stand quashed.

20. It is made clear that the children born from the wedlock shall be entitled to assert their rights upon attaining the age of majority in accordance with law.

21. The petition, along-with pending application(s), if any, stands disposed of.

AJAY DIGPAUL, J

AUGUST 1, 2025/AS/av