



\$~47

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

+ **W.P.(CRL) 2071/2023**

PAWAN & ORS.

.....Petitioners

Through: Ms. Santosh Dixit, Advocate.

versus

GOVT. OF N.C.T. OF DELHI & ANR.

.....Respondents

Through: Mr. Sanjeev Bhandari, ASC with
Mr. Arjit Sharma and Mr. Nikunj
Bindal, Advocates for State.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

22.04.2025

%

1. The present petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973¹, seeks quashing of FIR No. 135/2016 dated 5th April 2016, under Sections 498A, 406, 342, 323, 506 and 34 of the Indian Penal Code, 1860,² as well as Section 4 of the Dowry Prohibition Act, 1961³, registered at P.S. Harsh Vihar and all consequential proceedings emanating therefrom. This request is made in light of the amicable settlement reached between the parties, as evidenced by the settlement recorded by the Delhi Mediation Centre, Karkardooma Courts, Delhi on 5th April 2016, between Petitioner No. 1 and Respondent No.2 – i.e., the Complainant. A copy of the aforementioned

¹ “Cr.P.C.”

² “IPC”

³ “DP Act”



settlement recorded in the order dated 5th April 2016 has been duly placed on record.

2. The marriage between Petitioner No. 1 and Respondent No. 2 was solemnised on 12th March, 2011. From this marriage, a male child was born. Due to temperamental differences, the parties eventually separated on 29th August, 2014. The marriage has now been dissolved through a decree of divorce by mutual consent dated 10th October, 2017, passed by the Principal Judge, Family Court, Shahdara, Karkardooma Courts, Delhi in HMA No. 665/2017.

3. It is important to note that initially, Respondent No. 2 registered a complaint dated 1st October, 2013, under Sections 498A, 406 and 34 of IPC with CAW Cell, Nand Nagri (East). In terms of the said compliant, the CAW Cell conducted several counselling sessions between the Petitioner and Respondent No. 2. Pertinently, on 13th January, 2013, the CAW closed the subject compliant on the basis of a statement made by Respondent No. 2 that she had been peacefully residing in her matrimonial home with the Petitioners and as such, she wished to close the compliant.

4. However, subsequently, Respondent No. 2 once again approached the CAW Cell, North East, Seemapuri, Delhi alleging that the Petitioners locked her in a room and assaulted her on 29th September, 2014, due to which she had called the police helpline number – 100 and was taken to GTB Hospital for treatment. In this regard, a Non-Cognizable Report No. 621/2014 was also filed under Section 323 of IPC. Due to said incident, on 27th November, 2015, CAW reopened the compliant case and called both Respondent No. 2 and Petitioner No. 1 for counselling sessions where the parties then attempted to resolve their dispute and arrive at an amicable settlement.



5. Parallely, Respondent No. 2 filed a petition before the Principal Judge (Shahdara) Karkardooma Courts, Delhi, under Section 125 of the Cr.P.C. seeking maintenance from Petitioner No. 1. During the course of proceedings in the said case, the Court was appraised of the CAW compliant made by Respondent No. 2, however, since the parties were in the midst of settlement talks, the Trial Court referred the parties to mediation, which ultimately culminated in the settlement recorded in the order dated 5th April 2016.

6. While the said proceedings were ongoing, since there was no resolution of the issues between the parties, the CAW Cell forwarded Respondent No. 2's complaint to the police for registration of FIR, which was received by them on 22nd March, 2016. Being unaware of the settlement between the parties in the Delhi Mediation Centre, the subject FIR No. 135/2016 was registered at P.S. Harsh Vihar on the same date as the order recording settlement – i.e., 5th April 2016.

7. Nonetheless, the parties have approached this Court through the instant petition seeking quashing of the subject FIR in light of the settlement arrived at between Petitioner No. 1 and Respondent No. 2.

8. As per the order recording the settlement dated 5th April, 2016, Petitioner No. 1 agreed to pay a total sum of INR 1,00,000/- to Respondent No. 2 towards full and final settlement of all her claims, including isridhan, all past, present and future claims of maintenance and permanent alimony. It was agreed between the parties that such a payment will be made in instalments. It was agreed that the parties shall file a petition for divorce by mutual consent and the first instalment of INR 50,000/- would be given by Petitioner No. 1 at the time of recording of the first motion seeking divorce



under Section 13B of the Hindu Marriage Act, 1955⁴. The second instalment would be given at the time of recording of the second motion of divorce by mutual consent. It was also agreed that the custody of the minor son would be with his father – Petitioner No. 1 and Respondent No. 2 would not have visitation rights. Furthermore, it was agreed that pursuant to this settlement, Respondent No. 2 would withdraw her compliant before the CAW as well as the petition seeking maintenance under Section 125 of the Cr.P.C. In light of the said settlement, the parties have approached this Court seeking quashing of the subject FIR which has been filed pursuant to the CAW compliant.

9. Respondent No. 2 is present before the Court in person, and is identified by her counsel. She states that she has voluntarily, without any force, coercion or undue influence, settled her dispute with the Petitioners and that she has no objection to the quashing of the subject FIR. An affidavit cum No Objection Certificate to this effect has also been placed on record. She further confirms to the Court that she has received the full payment of INR 1,00,000/- as full and final settlement. The Petitioners are also present before the Court and are identified by the Investigating Officer. In light of the above amicable settlement, they pray that the subject FIR be quashed by this Court in exercise of powers under Section 482 of the Cr.P.C.

10. The Court has considered the submissions of the parties. At this juncture, it is imperative to emphasise the Court's power under Section 482 of the Cr.P.C. 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.**,⁵ has laid down certain guidelines and

⁴ "HMA"

⁵ (2014) 6 SCC 466.



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.

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]



11. 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.

12. Accordingly, the present petition is allowed, and FIR No. 135/2016 dated 5th April 2016, under Sections 498A, 406, 342, 323, 506 and 34 of IPC as well as Section 4 of the DP Act, registered at P.S. Harsh Vihar and all proceedings emanating therefrom are quashed.

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

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

SANJEEV NARULA, J

APRIL 22, 2025