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

+ **W.P.(CRL) 2200/2023**

ANKUR GARG & ORS.

.....Petitioners

Through: Ms. Shefali Menezes, Advocate.

versus

STATE OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Anand V. Khatri, ASC with
State.

Mr. Vijay, SI, PS-Mahindra Park.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

03.03.2025

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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. 1196/2022 under Sections 498A, 406 and 34 of the Indian Penal Code, 1860², registered at P.S. Mahendra Park, in light of the amicable settlement reached between the parties. In this regard, a Memorandum of Understanding³ dated 02nd May, 2024, has been executed between Petitioner No. 1 and Respondent No. 2 – i.e., the Complainant. A copy of the aforementioned MoU has been duly placed on record.

2. On 8th December, 2021, marriage between Petitioner No. 1 and Respondent No. 2 was solemnised as per Hindu rites and customs, however

¹ “Cr.P.C.”

² “IPC”

³ “MoU”



the parties eventually separated on account of temperamental differences and disharmony. On 17th October, 2022, Respondent No. 2 (Complainant) filed the present FIR alleging criminal breach of trust, mental and physical cruelty and dowry harassment meted out to her by the Petitioners – i.e., her husband (Petitioner No. 1), father-in-law (Petitioner No. 2) mother-in-law (Petitioner No. 3) and brother-in-law (Petitioner No. 4).

3. During the pendency of the present proceedings, on the intervention of family members and friends, Petitioner No. 1 and Respondent No. 2 (the Complainant) have mutually agreed to amicably settle all their disputes. In this regard, they have also executed a Memorandum of Understanding⁴ dated 02nd May, 2024 whereby both parties have agreed that it is no longer possible for them to live together as husband and wife in the future and thus, they agreed to dissolve their marriage by mutual consent under section 13B of the Hindu Marriage Act, 1955.

4. Respondent No. 2 who appears in person before the Court and is identified by the Investigating Officer states that pursuant to this agreement, the marriage between Petitioner No. 1 and Respondent No. 2 has already been dissolved through decree of divorce by mutual consent.

5. Further, it is also noted that as per the MoU, Petitioner No. 1 had agreed to pay a total amount of INR 95,00,000/- to Respondent No. 2 towards permanent alimony in two instalments – one of INR 50,00,000/- to be paid at the time of execution of the first motion of divorce and another one of INR 45,00,000/- at the time of execution of the second motion of divorce. Respondent No. 2 confirms that the complete payment has been received by her. She further states that she has no objections to the quashing



of the subject FIR. She confirms to the Court that she is not under any undue influence or coercion and has taken the decision to settle the matter voluntarily. Further, the Petitioners have also joined the proceedings through video conferencing mechanism and are duly identified by the concerned Investigating Officer. The Petitioners pray that in light of the settlement between the parties, the subject FIR be quashed.

6. The Court has considered the submissions of the parties. Notably, offence under Section 498A of IPC is non-compoundable while offence under Section 406 of IPC is compoundable in certain cases. However, it is well settled that this Court in exercise of power under Section 482 of the CrPC can compound offences which are non-compoundable on the ground that there is a compromise between the accused and the complainant. In this regard, the Supreme Court in *Narinder Singh & Ors. v. State of Punjab & Anr.*,⁵ 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.

⁴ “MoU”

⁵ (2014) 6 SCC 466.



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]

7. Similarly, in the case of ***Parbatbhai Aahir & Ors. v. State of Gujarat & Anr.***,⁶ the Supreme Court had observed as under:

“16. The broad principles which emerge from the precedents on the subject, may be summarised in the following propositions:

16.1. Section 482 preserves the inherent powers of the High Court to prevent an abuse of the process of any court or to secure the ends of justice. The provision does not confer new powers. It only recognises and preserves powers which inhere in the High Court.

16.2. The invocation of the jurisdiction of the High Court to quash a first information report or a criminal proceeding on the ground that a settlement has been arrived at between the offender and the victim is not

⁶ (2017) 9 SCC 641



the same as the invocation of jurisdiction for the purpose of compounding an offence. While compounding an offence, the power of the court is governed by the provisions of Section 320 of the Code of Criminal Procedure, 1973. The power to quash under Section 482 is attracted even if the offence is non-compoundable.

16.3. In forming an opinion whether a criminal proceeding or complaint should be quashed in exercise of its jurisdiction under Section 482, the High Court must evaluate whether the ends of justice would justify the exercise of the inherent power.

16.4. While the inherent power of the High Court has a wide ambit and plenitude it has to be exercised (i) to secure the ends of justice, or (ii) to prevent an abuse of the process of any court.

16.5. The decision as to whether a complaint or first information report should be quashed on the ground that the offender and victim have settled the dispute, revolves ultimately on the facts and circumstances of each case and no exhaustive elaboration of principles can be formulated.

16.6. In the exercise of the power under Section 482 and while dealing with a plea that the dispute has been settled, the High Court must have due regard to the nature and gravity of the offence. Heinous and serious offences involving mental depravity or offences such as murder, rape and dacoity cannot appropriately be quashed though the victim or the family of the victim have settled the dispute. Such offences are, truly speaking, not private in nature but have a serious impact upon society. The decision to continue with the trial in such cases is founded on the overriding element of public interest in punishing persons for serious offences.

16.7. As distinguished from serious offences, there may be criminal cases which have an overwhelming or predominant element of a civil dispute. They stand on a distinct footing insofar as the exercise of the inherent power to quash is concerned.

16.8. Criminal cases involving offences which arise from commercial, financial, mercantile, partnership or similar transactions with an essentially civil flavour may in appropriate situations fall for quashing where parties have settled the dispute.

16.9. In such a case, the High Court may quash the criminal proceeding if in view of the compromise between the disputants, the possibility of a conviction is remote and the continuation of a criminal proceeding would cause oppression and prejudice; and



16.10. There is yet an exception to the principle set out in propositions 16.8. and 16.9. above. Economic offences involving the financial and economic well-being of the State have implications which lie beyond the domain of a mere dispute between private disputants. The High Court would be justified in declining to quash where the offender is involved in an activity akin to a financial or economic fraud or misdemeanour. The consequences of the act complained of upon the financial or economic system will weigh in the balance.”

[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. 1196/2022 under Sections 498A, 406 and 34 of the Indian Penal Code, 1860⁷, registered at P.S. Mahendra Park and the proceedings emanating therefrom are quashed.

10. It is directed that the parties shall abide by the terms of the MoU.

11. Accordingly, the petition is disposed of along with pending applications.

SANJEEV NARULA, J

MARCH 3, 2025

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⁷ “IPC”