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

+ CRL.M.C. 4058/2025, CRL.M.A. 21065/2025 & CRL.M.A. 21066/2025

PRADEEP KOTRA & ORS.

.....Petitioners

Through: Mr. Pradeep Chaudhary and Mr. Lalit Kumar Bhati, Advs.

Mr. Vishal Bakshi, Adv.

Petitioners No. 1 and 4 in person.

Petitioners No. 2 and 3 in person (through VC).

versus

STATE OF NCT OF DELHI THROUGH SHO PS VIVEK VIHAR
DELHI & ANR.

.....Respondents

Through: Mr. Satish Kumar, APP for State
SI Sumeet Poonia, PS Vivek Vihar

Mr. Rahul Kripalani and Ms. Supraja V. Advs. for
R-2.

Respondent No. 2 in person (through VC).

CORAM:

HON'BLE MR. JUSTICE AJAY DIGPAUL

ORDER

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23.07.2025

CRL.M.A. 21065/2025 (early hearing)

1. By way of the present application, the petitioner no. 1 seeks preponement of the date of hearing, currently fixed for 28.08.2025, on the ground that the petitioner no. 2 is presently unemployed and is scheduled to appear for several job interviews in the United Kingdom during July and August. Mr. Pradeep Chaudhary submits that the pendency of the criminal matter is likely to hinder his prospects of securing employment abroad.



2. In view of the facts submitted in this application, the date of 28.08.2025 is preponed.

3. The application is disposed of.

CRL.M.C. 4058/2025

4. With the consent of parties, the matter is taken up today.

5. The present petition under Section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023 (hereinafter “BNSS”) [earlier Section 482 of the Code of Criminal Procedure, 1973 (hereinafter “Cr.P.C.”)] has been filed on behalf of the petitioners praying for quashing of FIR bearing No. 237/2022, dated 10.04.2022, registered at Police Station - Vivek Vihar, Delhi, for the offences punishable under Sections 498A/406/34 of the Indian Penal Code, 1860 (hereinafter “IPC”).

6. The brief facts of the case are that the marriage between petitioner no. 2 and respondent no. 2 got solemnized on 12.05.2019 at New Delhi, according to Hindu rites and ceremonies. Their marriage was registered with the Marriage Officer, Vivek Vihar Distt. Shahdara at D.C. office, Nand Nagri, New Delhi on 27.05.2019. However, due to some temperamental differences between them, shortly after their marriage, they started living separately. No child is born out of the wedlock.

7. Despite several efforts of reconciliation, both the parties could not settle their differences pursuant to which respondent no. 2 filed a FIR No. 237/2022 against the petitioners. The learned Metropolitan Magistrate (Mahila Court), Shahdara District, Karkardooma Court, Delhi took cognizance of the offence on 26.07.2023 filed in the FIR 237/2022.

8. However, at this stage, with the intervention of family members and relatives, both the parties have entered into a settlement on 28.02.2025



before the Delhi High Court Mediation and Conciliation Centre, New Delhi. The terms and conditions of the said settlement are mentioned in the settlement deed which is annexed as Annexure A-3 to the petition. In pursuance of the said settlement, the High Court disposed of the MAT APP. (F.C.) 347/2024 and MAT APP. (F.C.) No. 60/2025 *vide* order dated 27.03.2025.

9. In furtherance of the said settlement, petitioner no. 2 and respondent no. 2 have jointly agreed that they shall move for divorce under Section 13B(1) and under Section 13B(2) of the Hindu Marriage Act, 1955 (hereinafter “HMA”) and accordingly, a divorce decree dated 15.05.2025 was passed by the Court concerned.

10. Further, in terms of the said settlement, it has been agreed among the parties that the petitioner no. 2 shall pay a sum of ₹15,00,000/- to the respondent no. 2 in terms of the order dated 06.02.2025 passed by the Family Court, East London in Case No. ZZ22D23118. The petitioner no. 2 undertakes that he shall pay a sum of ₹10,000 as full and final settlement against all her claims including maintenance (past, present and future), permanent alimony, *stridhan*, including the execution amount. The parties thereto undertake to withdraw their respective cases against each other.

11. It is, thus, prayed that the instant FIR be quashed on the basis of settlement dated 28.02.2025.

12. Learned APP for the State submitted 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.

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



14. The petitioner nos. 1 and 4 are present before this Court and petitioner nos. 2 and 3 are present through Video Conferencing and have been identified by their counsel and Investigating Officer SI Sumeet Poonia, Police Station Vivek Vihar. The respondent no. 2 is also present through Video Conferencing and has been identified by her counsel and the Investigating Officer.

15. On the query made by this Court, respondent no. 2 has categorically stated that she has entered into compromise on her own free will and without any pressure. It is also stated by respondent no. 2 that the entire dispute has been amicably settled between the parties. Parties also undertaken that they shall abide by all the terms and conditions of the settlement arrived at between the parties.

16. 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.

17. 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.

18. 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/Section 528 of the BNSS, 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 does not have a serious impact on the society.

19. 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/Section 528 of the BNSS 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 conscious of the society and that the compromise between the parties is voluntary and amicable.

20. 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. Accordingly, FIR bearing No. 237/2022, dated 10.04.2022, registered at Police Station - Vivek Vihar, Delhi, for the offences punishable under Sections 498A/406/34 of the IPC and all the consequential proceedings emanating therefrom are quashed.

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

AJAY DIGPAUL, J

JULY 23, 2025/ASdd