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

+ CRL.M.C. 4875/2025 & CRL.M.A. 21126/2025

ARPIT AGGARWAL & ORS.

.....Petitioners

Through: Ms. Dolly, Adv. with the petitioners
in person.

versus

THE STATE OF NCT OF DELHI AND ANRRespondents

Through: Mr. Raghuinder Verma, APP for the
State with SI Reena, PS Prashant Vihar along with
respondent no. 2 in person.

CORAM:

HON'BLE MR. JUSTICE AJAY DIGPAUL

ORDER

23.07.2025

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1. 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 No. 382/2016, dated 05.04.2016, registered at Police Station - Prashant Vihar, Delhi, for the offences punishable under Sections 498A/406/34 of the Indian Penal Code, 1860 (hereinafter "IPC").

2. The brief facts of the case are that the marriage between petitioner no. 1 and respondent no.2 got solemnized on 24.01.2015 at New Delhi, according to Hindu rites and ceremonies. One child (son) was born from the wedlock on 21.10.2015. However, due to some temperamental differences



between them, shortly after their marriage, they started living separately from 29.10.2015.

3. Despite several efforts of reconciliation, both the parties could not settle their differences pursuant to which respondent no. 2 filed a criminal complaint against the petitioners which was registered as FIR no. 382/2016.

4. However, at this stage, with the intervention of family members and relatives, both the parties have entered into a settlement on 11.03.2025 before the Delhi Mediation Centre, Rohini District Courts, Delhi. The terms and conditions of the said settlement are mentioned in the settlement deed which is annexed as Annexure P-2 to the petition.

5. Further, in terms of the said settlement, it has been agreed among the parties that the petitioner no. 1 shall pay a sum of Rs. 1,90,00,000/- in three instalments (first instalment of 60 lakhs paid at the time of recording statements in the first motion petition, second instalment of 60 lakhs paid at the time of recording of statements in the second motion petition, third instalment to be paid at the time of quashing) to the respondent no. 2 as full and final settlement against all her and the child's claims including maintenance (past, present and future), permanent alimony, *stridhan*, including the execution amount. It is also noted that as per the terms of the settlement, respondent no. 2 shall have custody of the child, and the petitioner no. 1 shall not have visitation rights.

6. It was also agreed that all cases, including that which was registered under HAMA, excluding the FIR, shall be withdrawn as per the terms and conditions of the settlement agreement, between the first and second motion of divorce proceedings.



7. At this juncture, petitioner no. 1 has handed over a Demand Draft bearing No. 431108 for the balance amount of Rs.70,00,000/- (third instalment as per terms of the settlement deed) dated 19.07.2025 in the name of respondent no.2 today in the Court. The respondent no.2 has verified the particulars of the Demand Draft to her satisfaction and stated them to be correct. The copy of the said Demand Draft is handed over by the learned counsel appearing on behalf petitioners during the course of the arguments, which is taken on record.

8. It is, thus, prayed that the instant FIR be quashed on the basis of mediation settlement deed dated 11.03.2025.

9. 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.

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

11. The petitioners are present before this Court and have been identified by their counsel and the IO, Police Station Prashant Vihar, Delhi. Respondent no.2 is also present in the Court and has been identified by her counsel and the IO.

12. 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.

13. 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.



14. 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.

15. 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.

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

17. 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 No. 382/2016 dated 05.04.2016, registered at Police Station – Prashant Vihar, New Delhi, for the offences punishable under Sections 498A/406/34 IPC and all consequential proceedings emanating therefrom are quashed.

18. It is clarified that the child, after attaining the age of majority, will be entitled to assert her rights with respect to the ancestral and her father's property in accordance with the law.

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

AJAY DIGPAUL, J

JULY 23, 2025

sk/AV