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

+ **W.P.(CRL) 3634/2025**

RAHUL GUPTA & ORS.

.....Petitioners

Through: Mr. Keshav Pawar and Mr. Sahil
Sindhwani, Advocates.

versus

STATE NCT OF DELHI AND ANR

.....Respondents

Through: Mr. Rahul Tyagi, ASC with SI Sachin
Kumar, PS-Kalkaji.
Mr. Udayan Srivastava, Advocate for R2.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

12.11.2025

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CRL.M.A. 32707/2025

1. Allowed, subject to all just exceptions
2. Application stands disposed of.

W.P.(CRL) 3634/2025

3. The present petition has been filed under Section 528 BNSS, 2023 seeking quashing of FIR No.0096/2024 under Section 377/498-A/406/34 IPC, registered at Police Station Kalkaji and all consequential proceedings emanating therefrom, on the ground that the parties have arrived at a settlement.
4. Issue notice. Mr. Rahul Tyagi, learned ASC for the State accepts notice. He points out to the terms in the settlement to submit that the rights of the minor child have been compromised. He submits that since the FIR in



question is an outcome of a matrimonial dispute and the parties have arrived at a settlement, the State has no objection in case the FIR in question is quashed.

5. The petitioners, as well as, respondent no. 2, who are present in Court, have been identified by their respective counsels as well as by the Investigating Officer, SI Sachin Kumar, PS-Kalkaji.

6. The brief facts of the case are that the marriage between petitioner no.1 and respondent no. 2 was solemnized on 22.02.2015 according to Hindu Rites and Customs. From the said wedlock, one child was born, who is in the care and custody of respondent no.2.

7. On account of certain matrimonial differences, petitioner no.1 and respondent no.2 started living separately from 28.11.2020. The disputes between the parties also led to the registration of present FIR.

8. During pendency of the proceedings, the parties have arrived at a settlement before the Principal Judge, Family Court, Karnal, the terms whereof have been reduced in writing in terms of settlement dated 13.05.2025, which is annexed as Annexure-C to the present petition.

9. In terms of the said settlement, the parties decided to dissolve their marriage by filing a petition for divorce by way of mutual consent.

10. It is a term of the settlement between the parties that the petitioners shall pay a total sum of Rs.40,00,000/- to respondent no.2 towards full and final settlement of all her claims on account of *streedhan*, permanent alimony, dowry articles, maintenance (past, present and future) etc. Out of the said amount, a sum of Rs.10,00,000/- has already been paid by the petitioners to respondent no.2 in the manner as mentioned in the settlement. The remaining amount of Rs. 30,00,000/- is payable at the time recording of



statement of parties in the second motion petition.

11. On a query posed by the Court, respondent no.2 states she has no objection in case the FIR in question is quashed.

12. Insofar as the offence under Section 377 as alleged in the FIR is concerned, a co-ordinate Bench of this Court in '**Rifakat Ali & Ors Vs. State & Anr.**' [CRL.M.C. No. 599/2021, decided on 26.02.2021] after referring to three decisions of the Hon'ble Supreme Court has taken a view that an FIR under Section 377 IPC, though a heinous offence can be quashed if the same is invoked in a matrimonial dispute where the parties have decided to part ways and move ahead in their lives without acrimony against each other. The power under Section 482 Cr.P.C. can be exercised even for an offence under Section 377 IPC on the ground that the dispute is private in nature.

The material part of the said decision reads as under:-

"....10. A perusal of the three judgments which shows that the Supreme Court has consistently held that the power under Section 482 CrPC should not be used for quashing heinous and serious offences of mental depravity or offences like murder, rape, dacoity etc. since these offences are not private in nature and have a serious impact in society. An offence under Section 377 IPC is a heinous offence and points to the mental depravity of the accused and hence ought not to be quashed by the High Court on the basis of compromise by exercising its jurisdiction under Section 482 CrPC.

11. The present case arises out of matrimonial dispute and the allegation has been made by the wife against the husband. The parties have decided to part ways and get ahead in their lives without having any acrimony against each other. In the facts and circumstances of the case, this Court is inclined to exercise its powers under Section 482 CrPC even for an offence under Section 377 IPC on the ground that the dispute is private in nature.



12. The learned counsel for the petitioners has placed reliance on orders of this Court in CRL.M.C.830/2019 titled as Dinesh Kumar & Ors. v. State & Anr., CRL.M.C.1613/2019 titled as Anmol Katyal & Ors. v. State (NCT of Delhi) & Anr., CRL.M.C. 5216/2018 titled as Gajender Singh & Ors. v. State (NCT of Delhi) & Ors. and CRL.M.C. 4117/2018 titled as Joginder Singh Bote & Ors. v. NCT of Delhi & Anr. In all these cases wife has levelled allegation of the husband committing an offence under Section 377 IPC. This Court has exercised its jurisdiction under Section 482 CrPC and has quashed the FIRs on the basis of the compromise entered into between the husband and wife.

13. It is made clear that this Court is exercising its powers under Section 482 CrPC to quash an offence of Section 377 IPC on the ground that the parties have compromised the matter with each other only because it arises out of a matrimonial dispute, the allegation has been levelled by wife against her husband of committing an offence under Section 377 IPC and the parties have decided to move ahead in life.” ...

13. Insofar as the statement recorded in the compromise deed Annexure-C to the effect that as the respondent no.2 and the child shall have no further claims, rights and entitlements for any moveable or immoveable properties or assets or financial resources of the petitioner and his family members is concerned, it would be suffice to state that in terms of the law laid down by the Supreme Court in **Ganesh v. Sudhir Kumar Srivastava**, (2020) 20 SCC 787 such a clause cannot be inserted to foreclose rights of the minor child.

14. The learned counsel appearing on behalf of the petitioners, on instructions, submits that the child will continue to have the rights as available to him in accordance with law. The statement is taken on record and the petitioners shall remain bound by the same.



15. In view of the fact that the parties have arrived at a settlement, no useful purpose will be served in continuing the proceedings, rather the same would create further acrimony between them.

16. It is, thus, in the interest of justice that the present FIR and all the other proceedings emanating therefrom be quashed.

17. Consequently, the petition is allowed and the FIR No.0096/2024 under Section 377/498-A/406/34 IPC, registered at Police Station Kalkaji alongwith all other proceedings emanating therefrom, is quashed.

18. The petition stands disposed of in the above terms.

19. Order be uploaded on the website of this Court.

VIKAS MAHAJAN, J

NOVEMBER 12, 2025/jg