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

+ **CRL.M.C. 99/2025**

TARUN KUMAR & ANR.

.....Petitioners

Through: Ms. Niharika Yadav, Advocate along
with petitioners in person.

versus

STATE OF NCT DELHI & ANR.

.....Respondents

Through: Mr. Satish Kumar, APP for the State
along with SI Anju, PS- Sagarpur.
Mr. Aman Yadav, Advocate for R-2
along with respondents in person.

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

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28.01.2025

CRL.M.A. 534/2025 (Exemption).

1. Exemption allowed subject to just exceptions.
2. The application stands disposed of.

CRL.M.C. 99/2025

3. The Joint Registrar (Judicial) *vide* order dated 14th January, 2025 has verified the facts and details of the instant matter.
4. The instant petition under Section 528 of the Bharatiya 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. 639/2022



registered at Police Station - Sagarpur, New Delhi, for offences punishable under Sections 498A/34 of the Indian Penal Code, 1860 (hereinafter “IPC”).

5. The brief facts of the case are that the marriage between the petitioner no. 1 and respondent no.2 got solemnized on 27th November, 2009 at Delhi according to Hindu rites and ceremonies but due to some temperamental differences between them, they started living separately since October, 2019. A male child was born out of their wedlock.

6. Learned counsel for the petitioners submitted that despite several efforts of reconciliation, both the parties could not settle the differences. The respondent no.2 registered an FIR against all the petitioners at PS- Sagarpur on 11th September, 2022.

7. It is submitted that with the intervention of well wishers, both the parties entered into settlement *vide* order dated 2nd May, 2024 in the Court of Judge, Family Court, Patiala House Court, New Delhi (hereinafter as the “Family Court”). The terms and conditions of the said settlement are mentioned in the above said order which is annexed as Annexure A-3 to the petition.

8. It is submitted that the petitioner no. 1 and respondent no. 2 filed a fresh petition under Section 13-B (2) of the Hindu Marriage Act, 1955 (hereinafter “HMA”) before the learned Family Court and *vide* judgment/order dated 31st August, 2024, the parties were granted decree of divorce under Section 13-B (2) of the HMA.

9. It is submitted that respondent no.2 has settled all her claims in respect of her dowry articles, stridhan, marriage expenses, jewellery, gift items and claims of past, present and future maintenance with the petitioner for a sum of Rs. 16,00,000/- and all the consideration amount has been



received by the respondent no. 2 as per the terms of the order dated 2nd May, 2024.

10. It is prayed that the instant FIR be quashed on the basis of above said order dated 2nd May, 2024 and in accordance with the settled law on this point as posited by the Hon'ble Supreme Court.

11. 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.

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

13. 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 Cr.P.C, 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.

14. 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 Cr.P.C. 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.

15. All petitioners are present before this Court. They have been identified by their counsel, Ms. Niharika Yadav, Advocate and Investigating



Officer SI Anju, Police Station Sagarpur. The respondent no. 2 is also present in the Court and has been identified by her counsel and the Investigating Officer.

16. 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. The parties also undertook that they shall abide the terms and conditions of the Settlement Agreement arrived at between the parties.

17. 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. 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. In the present case, the complainant 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.

18. In the instant case, as stated above, the parties have reached on the compromise and amicably settled the entire disputes without any pressure.

19. 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. 639/2022 registered at Police Station Sagarpur, New Delhi, for offences punishable under Sections 498A/34 of the IPC and all consequential proceedings emanating therefrom are quashed.
20. The petition alongwith pending applications, if any, stand disposed of.

CHANDRA DHARI SINGH, J

JANUARY 28, 2025
Rk/mk

[Click here to check corrigendum, if any](#)