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

+ **CRL.M.C. 120/2025**

SOMVEER AND ORS

.....Petitioners

Through: Mr. Arjun Malik, Advocate
Petitioner No. 1 (in person), Petitioner
Nos. 4 and 5 (through VC)
Petitioner nos. 2 and 3 (through VC)

versus

STATE OF NCT OF DELHI AND ANR

.....Respondents

Through: Mr. Nawal Kishore Jha, APP for the
State
Respondent No. 2 in person
SI Bharat Singh, PS Uttam Nagar

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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03.03.2025

1. This order is being passed in continuation of the order dated 13.01.2025.
2. This petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') seeking quashing of the FIR No. 776/2016 dated 27.10.2016 registered at Police Station (P.S.) Uttam Nagar, Delhi for offences under Section 498-A/406/34 of the Indian Penal Code, 1860 (IPC).
3. The subject FIR has been filed on the complaint of Respondent No. 2. Petitioner No. 1 is the husband, Petitioner No. 2 is the sister-in-law, Petitioner No. 3 is the brother-in-law, Petitioner No. 4 is the sister-in-law and Petitioner No. 5 is the brother-in-law of Respondent No. 2. It is the case of the Petitioners that that parties have amicably settled all their disputes.
4. Learned counsel for the Petitioner states that the terms of the



settlement referred to as Exhibit P-3 in the judgment dated 09.11.2020¹ whereby the Family Court, Tis Hazari, New Delhi granted decree of divorce by mutual consent, could not be traced.

4.1. He states that, however, Petitioner No. 1 and the complainant Respondent No. 2/complainant are personally present in Court and the fact of settlement can be verified from the parties. Petitioner Nos. 4 and 5 have joined the proceedings through video conferencing.

4.2. Learned counsel for the Petitioner states that the present disputes arise out of the matrimonial relationship between Petitioner No. 1 and Respondent No. 2. He states that there are two (2) sons, Master Mohit² and Master Mahesh³ born out of this wedlock. He states that as per the settlement, the custody of the older son, Master Mohit is with Petitioner No. 1 and the custody of the younger son, Master Mahesh remains with Respondent No. 2.

4.3. He states that the parties have entered into a settlement and on basis whereof the parties have also obtained a decree of divorce on 09.11.2020. He states that parties have been living separately since then and have filed this petition jointly.

4.4. He states that since the Petitioner No. 1 was not in contact with Respondent No. 2, her affidavit recording her no objection to the quashing petition has not been filed with the petition.

5. Petitioner Nos. 1, 4 and 5 are duly identified by the Investigating Officer (IO) and the counsel for the Petitioner. Respondent No. 2 is personally present in Court and is duly identified by the IO.

6. Respondent No. 2 who is present in Court states that she will execute

¹ Passed in HMA No. 236/2020 titled **Smt. Nirmala @ Nitu v. Sh. Somveer @ Rocky**.

² Born on 06.02.2007.



her affidavit recording her no objection to the quashing petition during the course of the day and requested that the matter be taken up at the pass-over stage.

7. After pass over, the matter was called out again. At second call, Respondent No. 2 has handed over an affidavit executed by her recording her no objection to the quashing of the FIR. Respondent No. 2 confirms execution of the said affidavit and she has been duly identified by the IO on the affidavit.

8. At pass over stage, Petitioner Nos. 2 and 3 have joined the proceedings through video conferencing. Petitioner Nos. 2 and 3 are duly identified by the (IO).

9. The Supreme Court in **Jitendra Raghuvanshi and Others v. Babita Raghuvanshi and Another**⁴, held that for the purpose of securing ends of justice, the Court can quash the criminal proceedings even in non-compoundable offences pertaining to matrimonial disputes, if the Court is satisfied that parties have settled the disputes amicable and without any pressure. The relevant paragraphs of the said judgment are noted as under: -

“14. The inherent powers of the High Court under Section 482 of the Code are wide and unfettered. In *B.S. Joshi* [(2003) 4 SCC 675 : 2003 SCC (Cri) 848] , this Court has upheld the powers of the High Court under Section 482 to quash criminal proceedings where dispute is of a private nature and a compromise is entered into between the parties who are willing to settle their differences amicably. We are satisfied that the said decision is directly applicable to the case on hand and the High Court ought to have quashed the criminal proceedings by accepting the settlement arrived at.

³ Born on 25.10.2008.

⁴ (2013) 4 SCC 58



15. In our view, it is the duty of the courts to encourage genuine settlements of matrimonial disputes, particularly, when the same are on considerable increase. Even if the offences are non-compoundable, if they relate to matrimonial disputes and the Court is satisfied that the parties have settled the same amicably and without any pressure, we hold that for the purpose of securing ends of justice, Section 320 of the Code would not be a bar to the exercise of power of quashing of FIR, complaint or the subsequent criminal proceedings.

16. There has been an outburst of matrimonial disputes in recent times. The institution of marriage occupies an important place and it has an important role to play in the society. Therefore, every effort should be made in the interest of the individuals in order to enable them to settle down in life and live peacefully. If the parties ponder over their defaults and terminate their disputes amicably by mutual agreement instead of fighting it out in a court of law, in order to do complete justice in **the matrimonial matters**, the courts should be less hesitant in exercising their extraordinary jurisdiction. It is trite to state that the power under Section 482 should be exercised sparingly and with circumspection only when the Court is convinced, on the basis of material on record, that allowing the proceedings to continue would be an abuse of process of court or that the ends of justice require that the proceedings ought to be quashed. We also make it clear that exercise of such power would depend upon the facts and circumstances of each case and it has to be exercised in appropriate cases in order to do real and substantial justice for the administration of which alone the courts exist. It is the duty of the courts to encourage genuine settlements of matrimonial disputes and Section 482 of the Code enables the High Court and Article 142 of the Constitution enables this Court to pass such orders.”

(Emphasis Supplied)

10. Considering the above settlement between the parties and the chances of conviction of the Petitioners being remote and bleak, there is no use continuing with proceedings of the present FIR, as it would be misuse of the process of the Court and an unnecessary burden on the State exchequer.

11. Accordingly, this petition is allowed. Consequently, the FIR No. 776/2016 dated 27.10.2016 registered at P.S. Uttam Nagar, Delhi for



offences under Section 498-A/406/34 of the Indian Penal Code, 1860 and proceedings emanating therefrom are quashed.

12. Accordingly, the petition is disposed of. Pending application is disposed of as infructuous.

13. Parties shall abide by the terms of settlement.

14. The settlement between Petitioner and Respondent no. 2 and passing of this order will not affect the legal rights of the children of the parties vis-à-vis the parents.

15. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of order shall be insisted by any authority/entity or litigant.

MARCH 03, 2025/msh/MG

MANMEET PRITAM SINGH ARORA, J

Click here to check corrigendum, if any