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

+ **CRL.M.C. 168/2025**

SHRI GAURANG JAIN & ORS.

.....Petitioners

Through: Mr. Dhruv Chawla, Mr. Vaibhav Chawla and Ms. Parvi Jain, Advocates along with petitioners in person

versus

THE STATE GOVT. OF NCT OF DELHI AND ANR.

.....Respondents

Through: Mr. Satish Kumar, APP for the State along with SI Deepak Kumar.
Mr. Harshit Vashisht, Mr. Avinash Kapoor, Mr. Sarthak Tagra, Mr. Lakshay Seth, Mr. Amogh Nath Ral, Ms. Sania S. Yusuf, Mr. Dhruv K. Basra and Mr. Hardik Jain, Advocates along with respondent no. 2 in person

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

28.01.2025

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CRL.M.A. 869/2025 (Exemption)

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

CRL.M.C. 168/2025

3. 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 by the petitioners praying for quashing of FIR bearing No. 0078/2020 registered at Police Station Anand Vihar, New Delhi, for offences punishable under Sections 498A/406/34 of the Indian Penal Code, 1860 (hereinafter “IPC”) and Section 4 of the Dowry Prohibition Act, 1961.

4. The Joint Registrar (Judicial) *vide* order dated 14th January, 2025 has verified the facts and details of the instant matter.

5. The brief facts of the case are that the marriage between the petitioner no. 1 and respondent no.2 got solemnized on 11th March, 2018 at New Delhi according to Hindu rites and ceremonies but due to some temperamental differences between them, they started living separately since September, 2018. No child was born out of their wedlock.

6. Learned counsel for the petitioner submitted that despite several efforts of reconciliation, both the parties could not settle the differences. The respondent no.2 lodged an FIR against all the petitioners at PS- Anand Vihar on 3rd March, 2020.

7. It is submitted that with the intervention of family members and well wishers, both the parties entered into settlement *vide* Memorandum of Understanding dated 7th September, 2024 (“MoU” hereinafter). The terms and conditions of the said MoU are mentioned in the MoU which is annexed as Annexure P-3 to the petition.

8. It is submitted that on 26th September, 2024, 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 learned Judge, Family Court-03, Karkardooma, Shahdara, Delhi and *vide* judgment/order dated 26th September, 2024, the learned Judge, Family Court-03, Karkardooma,



Shahdara, Delhi allowed the first motion of divorce and vide order dated 3rd December, 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. 37,00,000/- and all the consideration amount has been received by the respondent no. 2 as per the terms of the above said MoU.

10. Therefore, it is prayed that the instant FIR be quashed on the basis of above said MoU dated 7th September, 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. The petitioner nos. 2 and 3 are present before this Court through video conferencing and the petitioner nos. 1 and 4 are present before this Court in person. They have been identified by their counsel, Mr. Dhruv Chawla, and Investigating Officer SI Deepak Kumar, Police Station, Anand Vihar. The respondent no. 2 is also present in the Court and has been identified by her counsel Mr. Harshit Vashisht and the Investigating Officer.

14. 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 she 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. 37,00,000/- and all the consideration amount has been received by her as per the terms of the above said MoU. It is further stated by the respondent no.2 that the entire dispute has been amicably settled between the parties and she does not want to pursue the aforesaid FIR any further. The parties also undertook that they shall abide by the terms and conditions of the Settlement Agreement arrived at between the parties.

15. 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.

16. 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.

17. 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.

18. 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.

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. 0078/2020 registered at Police Station, Anand Vihar, Delhi, for offences punishable under Sections 498A/406/34 of the IPC and Section 4 of the Dowry Prohibition Act 1961 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/anr

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