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

+ **CRL.M.C. 415/2025 & CRL.M.A. 1957/2022**

ROHIT SINGHAL & ORS.

.....Petitioners

Through: Mr. Tarun Garg, Advocate with
petitioners No.1 and 2.

versus

THE STATE NCT OF DELHI & ANR.

.....Respondent

Through: Mr. Satish Kumar, APP for the State
with SI Nitin Kumar, PS-Farsh Bazar.
Mr. Daljeet Singh, Advocate for R-2
with R-2 in person.

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

04.03.2025

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1. 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. 305/2019 dated 21st August, 2019 registered at Police Station - Farsh Bazar, Delhi for offences punishable under Sections 498A/406/34 of the Indian Penal Code, 1860 (hereinafter "IPC").

2. The Joint Registrar (Judicial) vide order dated 10th February, 2025 has verified the facts and details of the instant matter.

3. The brief facts of the case are that the marriage between the petitioner no. 1 and respondent no.2 got solemnized on 20th January, 2010 at Delhi



according to Hindu rites and ceremonies but due to some temperamental differences between them, they started living separately since 23rd September, 2017. Two children were born out of their wedlock.

4. Learned counsel appearing on behalf of the petitioners submitted that despite several efforts of reconciliation, both the parties could not settle the differences. Both the parties lodged several cases against each other.

5. It is submitted that with the intervention of family members & relatives and mediation, the parties entered into settlement before the Delhi Mediation Centre, Karkardooma Courts, Delhi. The terms and conditions of the said settlement are mentioned in the settlement/mediation dated 16th August, 2024 which is annexed as Annexure P-3 to the instant petition.

6. On 3rd September, 2024, the first motion under Section 13-B (1) of the Hindu Marriage Act, 1955 (hereinafter “HMA”) was allowed by Judge, Family Court-03, KKD, Shahdara, Delhi and on 26th November, 2024, the aforesaid learned Judge allowed the second motion and the parties were granted decree of divorce under Section 13-B (2) of the HMA.

7. 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 petitioners for a sum of Rs. 26,50,000/- and all disputes of any nature whatsoever. It is submitted that the respondent no. 2 has already received all the money as per the terms of the settlement.

8. It is prayed that the instant FIR may be quashed on the basis of the above said settlement and in accordance with the settled position of law as posited by the Hon’ble Supreme Court.



9. Learned APP for the State submitted that there is no objection 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 petitioner nos.1 and 2 are present before this Court and have been identified by their counsel and Investigating Officer. It is informed the presence of petitioner no.3 was dispensed with vide order dated 24th February, 2025. The respondent no. 2 is also present in the Court and has been identified by the Investigating Officer and her counsel.

12. 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 and she does not wish to pursue the aforesaid FIR any further. However, respondent no.2 submitted that there are two minor children from the wedlock and their legal rights in father and ancestral property should be secured. The parties also undertook that they shall abide the terms and conditions of the Settlement Agreement arrived at between the parties.

13. 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 petitioners or any person related to them.



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 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.

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 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 conscience 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 has 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.

17. 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. 305/2019 dated 21st August, 2019 registered at Police Station - Farsh Bazar, Delhi for offences punishable under Sections 498A/406/34 of the IPC and all consequential proceedings



emanating therefrom are quashed. It is clarified that on attaining the age of majority, the two minor children will be entitled to have every right in the father as well as in the ancestral property in accordance with law.

18. The petition alongwith pending applications, if any, stand disposed of.

CHANDRA DHARI SINGH, J

MARCH 4, 2025

NA/anr