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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 280/2025 & CRL.M.A. 2437/2025 CRL.M.A. 2438/2025**
ANIL KUMAR PANDEY & ORS.Petitioners

Through: Mr. Deepak Bora, Adv. in Court with
all the three Petitioners (Through VC)

versus

STATE OF NCT OF DELHI AND ANRRespondents

Through: Mr. Sanjay Lao, Standing Counsel for
State
SI Mandeep Kumar, PS Punjabi Bagh
Mr. Sai Darshan Patra, Advocate for
R-2 along with R-2 in person.

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **10.03.2025**

CRL.M.A. 2437/2025

Allowed subject to all just exceptions.

The application stands disposed of.

W.P.(CRL) 280/2025

1. The present petition has been filed under Article 226 of the Constitution of India read with Section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023 (BNSS) seeking quashing of the FIR No. 0396/2022 registered under Sections 498A/406/34 of the Indian Penal Code, 1860 (IPC) registered at Police Station (P.S.) Punjabi Bagh on the basis of Settlement agreement/Memorandum of Understanding (MoU) dated 16.11.2024.
2. Petitioners have joined proceedings through video conferencing link. The Petitioners have been identified by the learned counsel and the Investigating Officer (I.O.).



3. Respondent No.2 is personally present in Court and is identified by the learned counsel and the I.O. She is accompanied with a family member.

4. Learned counsel for the Petitioners state that Petitioner Nos. 1, 2 and 3 are father-in-law, mother-in-law and brother-in-law respectively of the Respondent No.2. He states that the Respondent No.2 is the complainant in the FIR No. 0396/2022.

4.1. He states that the Respondent No.2 was married to late Sh. Vaibhav Pandey the elder son of Petitioner Nos.1 and 2, and brother of Petitioner No.3. He states Sh. Vaibhav Pandey unfortunately expired on 22.10.2020. He states that out of the said wedlock a son was born named Anay.

4.2. He states that captioned FIR No. 0396/2022 was registered by the Respondent No.2 on 24.05.2022. He states that Respondent No.2 also initiated proceedings under Section 12 of the Prevention of Women from Domestic Violence Act, 2005 (DV Act), which was later withdrawn. He states that during the course of proceedings between the parties, the parties were referred to mediation.

4.3. He states that the parties have amicably settled their disputes and they have executed a settlement agreement dated 16.11.2024 before the Delhi Mediation Centre, Tis Hazari Courts. He states that Respondent No.2 and the Petitioners agreed that they will withdraw all the pending cases between them including the captioned FIR.

4.4. He states that as per the terms of the settlement the Petitioners agreed to pay Rs. 12 Lakhs to the Respondent No.2 in three (3) installments of Rs. 4 Lakhs each at the time of withdrawal three (3) proceedings pending between the parties.



4.5. He states that the installment of Rs. 4 Lakhs qua the withdrawal of captioned FIR has been paid as recorded in the order dated 19.02.2025.

4.6. He states that therefore, the captioned FIR be quashed as the full and final settlement amount has been paid to the Respondent No.2.

5. Respondent No. 2 is present in Court. This Court has interacted with her. She confirms the execution of the settlement agreement dated 16.11.2024. She further confirms the receipt of entire amount. She also confirms of having executed the affidavit recording her No Objection. Respondent No. 2 states that she has no objection to the captioned FIR being quashed.

6. The Supreme Court in the case of **Jitendra Raghuvanshi & Ors. Vs. Babita Raghuvanshi & Anr.**¹, has opined in respect of the matrimonial disputes that settlement inter se the parties must be encouraged and has specifically held as under:

“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

¹ (2013) 4 SCC 58.



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....”

(Emphasis supplied)

7. Keeping in view the nature of the dispute and the fact that the parties have amicably settled the dispute and considering the chances of conviction of the Petitioners being remote and bleak, this Court is, therefore, of the view that 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. Further this Court is also of the considered opinion that it is a fit case to exercise discretionary jurisdiction under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS).

8. Accordingly, the petition is allowed. Consequently, the FIR No. 0396/2022 dated 24.05.2022 registered at P.S. Punjabi Bagh for offences under Sections 498A/406/34 of the IPC and proceedings emanating therefrom are quashed.

9. Parties shall abide by the terms of settlement.

10. Pending applications are disposed of as infructuous.

11. 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.

MANMEET PRITAM SINGH ARORA, J

MARCH 10, 2025/sk/hp