
(2025) 11 DEL CK 1862

In the Delhi High Court

Case No : Criminal Miscellaneous Petition No. 7798 Of 2025 & Criminal Miscellaneous Application No. 32665 Of 2025

Hemant Kumar & Anr

APPELLANT

Vs

State Of Nct Of Delhi & Anr

RESPONDENT

Date of Decision : 06-11-2025

Acts Referred:

Bharatiya Nagarik Suraksha Sanhita, 2023 — Section 528
Code of Criminal Procedure, 1973 — Section 482
Indian Penal Code, 1860 — Section 34, 406, 498A

Citation : (2025) 11 DEL CK 1862

Hon'ble Judges : Ravinder Dudgeja, J

Bench : Single Bench

Advocate : Rohit Raj Saini, Prashant Sharma, Sanjeev Sabharwal, A. S. Kettan

Final Decision : Allowed

Judgement

Ravinder Dudgeja, J

1. This is a petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, seeking quashing of FIR No. 0046/2021, dated 19.02.2021, registered at P.S Jagat Puri (Shahdara District), Delhi under Sections 498A/406/34 IPC and all proceedings emanating therefrom on the basis of settlement between the parties.

2. The factual matrix giving rise to the instant case is that the marriage between Petitioner No. 1 and Respondent no. 2/complainant was solemnized on 20.04.2016 as per Hindu Rites and ceremonies at Delhi. One child was born out of the said wedlock. However, on account of temperamental differences Petitioner No. 1 and Respondent No. 2 are living separately since 21.09.2020.

3. As per averments made in the FIR, Respondent No. 2 was subjected to physical and mental harassment on account of dowry demands by the petitioners. FIR No. 0046/2021 was lodged at the instance of respondent no. 2 at

PS Jagat Puri under sections 498A/406/34 IPC against the petitioners.

4. During the course of proceedings, the parties amicably resolved their disputes before the Delhi Mediation Centre, Karkardooma Courts, Delhi and the terms of settlement were written in the form of a Settlement Agreement dated 11.04.2022. It is submitted that petitioner no.1 and respondent no. 2 unconditionally settled their disputes and the custody of the child will remain with the respondent No.2 and the petitioner no.1 will have no custody or visitation rights as per the terms in the settlement. Copy of the Settlement dated 11.04.2022 has been annexed as Annexure B.

5. Petitioner no. 1 and respondent no. 2 are physically present before the Court while petitioner no. 2 has entered her appearance through VC. They have been identified by their respective counsels as well as by the Investigating Officer ASI Rajesh Kumar, from PS Jagat Puri.

6. Respondent No. 2 confirms that the matter has been amicably settled with the petitioners without any force, fear, coercion and she has no objection if the FIR No. 0046/2021 is quashed against the Petitioners.

7. In view of the settlement between the parties, learned Additional PP appearing for the State, also has no objection if the present FIR No. 0046/2021 is quashed.

8. Hon'ble Supreme Court has recognized the need of amicable settlement of disputes in Rangappa Javoor vs The State Of Karnataka And Another, Diary No. 33313/2019, 2023 LiveLaw (SC) 74, Jitendra Raghuvanshi & Ors. vs Babita Raghuvanshi & Anr., (2013) 4 SCC 58 & in Gian Singh vs State of Punjab (2012) 10 SCC 303.

9. Further, it is settled that the inherent powers under section 482 of the Code are required to be exercised to secure the ends of justice or to prevent abuse of the process of any court. Further, the High Court can quash non-compoundable offences after considering the nature of the offence and the amicable settlement between the concerned parties. Supreme Court and this Court have repeatedly held that the cases arising out of matrimonial differences should be put to a quietus if the parties have reached an amicable settlement. Reliance may be placed upon B.S. Joshi v. State of Haryana, (2003) 4 SCC.

10. In view of the above facts that the parties have amicably resolved their differences out of their own free will and without any coercion. Hence, it would be in the interest of justice, to quash the abovementioned FIR and the proceedings pursuant thereto.

11. In the interest of justice, the petition is allowed, and the FIR No. 0046/2021, dated 19.02.2021, registered at P.S Jagatpuri (Shahdara District), Delhi under section 498A/406/34 IPC and all the other consequential proceeding emanating therefrom is hereby quashed.

12. Petition is allowed and disposed of accordingly.

13. Pending application(s), if any, also stand disposed of.