

(2025) 12 DEL CK 1865

In the Delhi High Court

Case No : Criminal Miscellaneous Petition No. 9171 Of 2025

K K Masih & Ors.

APPELLANT

Vs

State Nct Of Delhi & Anr.

RESPONDENT

Date of Decision : 22-12-2025

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) 12 DEL CK 1865

Hon'ble Judges : Ravinder Dudeja, J

Bench : Single Bench

Advocate : Pratik Sharma, Aashneet Singh, Shiv Kumar Gautam, Rohit Gupta

Final Decision : Allowed

Judgement

Ravinder Dudeja, J

1. This is a petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, seeking quashing of FIR No. 44/2019, dated 04.03.2019, registered at P.S Subzi Mandi, 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. 2 and Respondent no. 2/complainant was solemnized on 21.01.2013 as per Christian Rites and ceremonies. One child was born out of the said wedlock. Due to temperamental differences Petitioner no. 2 and Respondent no. 2 have been living separately since 05.04.2017.

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. Chargesheet has since been filed under sections 498A/406/34 IPC against the petitioners.

4. During the course of proceedings, the parties amicably resolved their disputes

before and the terms of the compromise were reduced into writing in the form of a Memorandum of Understanding/ Settlement Deed dated 24.02.2025. It is submitted that respondent no. 2 and has obtained an ex-parte decree of divorce vide judgment dated 13.01.2023 from petitioner no. 2 and the entire settlement amount of Rs. 4,00,000/- (Rupees Four Lacs only) has been paid to respondent no. 2. It is further submitted that the custody of the child shall be with respondent no. 2 with visitation rights to petitioner no. 2 as per the terms in the settlement. Copy of the Memorandum of Understanding dated 24.02.2025 has been annexed as Annexure 3.

5. Petitioner No. 3 and 4 are physically present before the Court while Petitioner No. 2 and Respondent No. 2 have entered their appearance through VC. They have been identified by their respective counsels as well as by the Investigating Officer SI Sumit, from PS Subzi Mandi.

6. Respondent no. 2 confirms that the matter has been amicably settled with the petitioners without any force, fear, coercion and she has received the entire settlement amount and has no objection if the FIR No. 44/2019 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. 44/2019 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, it would be in the interest of justice, to quash the abovementioned FIR and the proceedings pursuant thereto.

11. The petition is allowed, and the FIR No. 44/2019, dated 04.03.2019, registered at P.S Subzi Mandi, 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.