

(2025) 04 DEL CK 1079

In the Delhi High Court

Case No : Criminal Miscellaneous Petition No. 2267 Of 2025

Lalit Choudhary & Ors

APPELLANT

Vs

State Of Nct Of Delhi & Anr

RESPONDENT

Date of Decision : 25-04-2025

Acts Referred:

Bhartiya Nagrik Suraksha Sanhita, 2023 — Section 528
Indian Penal Code , 1860 — Section 34, 406, 498A
Dowry Prohibition Act, 1961 — Section 4
Hindu Marriage Act, 1955 — Section 13B(1)

Citation : (2025) 04 DEL CK 1079

Hon'ble Judges : Ravinder Dudeja, J

Bench : Single Bench

Advocate : Prashant Vaxish, Satinder Singh Bawa

Final Decision : Allowed

Judgement

Ravinder Dudeja, J.

1. This is a petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking quashing of FIR No. 0703/2022, dated 19.08.2022, registered at P.S Seemapuri under sections 498A/406/34 IPC and section 4 of the Dowry Prohibition Act, 1961 and all proceedings emanating therefrom on the basis of settlement between the parties.

2. The marriage between Petitioner No.1 and Respondent No.2 was solemnized on 03.12.2017 as per Sikh rites and ceremonies at Ghaziabad. No child was born out of the said wedlock. It is submitted that due to temperamental differences, the couple started living separately since 27.11.2021. Thereafter, Respondent No.2 filed complaint case bearing No. 726/2022 and also lodged the aforesaid FIR against Petitioner No. 1 and his family members which culminated into criminal case bearing No. 18/2022 titled as State Vs. Lalit Chaudhary.

3. During the proceedings, the parties amicably resolved their disputes and

executed a Settlement Deed dated 19.07.2024. In pursuance of the Settlement, the parties jointly filed a fresh petition for divorce by mutual consent under Section 13B(1) of the Hindu Marriage Act, 1955. The learned Family Court-02, Karkardooma Courts, Delhi allowed the mutual divorce petition on 30.11.2024, thereby dissolving the marriage between the Petitioner No.1 and Respondent No.2. It is submitted that all the previous complaints and litigations initiated by the parties have been withdrawn and all conditions of the Settlement Agreement have been fulfilled including the payment of the total settlement amount of Rs. 1,50,000/- (Rupees One Lakh Fifty Thousand) as per the schedule mentioned in the Settlement Deed. The copy of Settlement Deed dated 19.07.2024 has been placed on record as Annexure P-2.

4. The matter was placed before the Joint Registrar, who has recorded the statements of both the parties and passed the following orders:-

"03.04.2025

1. The present non contentious petition has been filed by the petitioners under Section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023 for quashing of the FIR NO. 703/2022 Under Sections 498A, 406, 34 of the Indian Penal Code and 4 of DP Act registered at P.S. Seemapuri on the basis of settlement arrived at between the parties.

2. As per the submissions, the matter between the petitioners and R-2 has been amicably settled.

3. Vide separate statement recorded in this behalf, petitioners stated that dispute between them and R-2 has been amicably settled as per the settlement deed dated 19.07.2024. The settlement has been arrived at between the parties herein without any force, coercion, undue influence and pressure. They have signed the settlement deed with their wish and will. Vide separate statement recorded in this behalf, R-2 stated that dispute between her and petitioners has been amicably settled as per the settlement deed dated 19.07.2024. The settlement has been arrived at between the parties herein without any force, coercion, undue influence and pressure. She has signed the settlement deed with her wish and will.

4. Investigating Officer is present in Court and has duly verified the identity of both the parties. Vide separate statement recorded in this behalf. Investigating Officer stated that the charge sheet has been filed in the present matter. He identified the prosecutrix/victim/R-2. He has also identified the petitioners who are accused in the present matter. He has also verified the settlement deed executed between the parties.

5. The parties along with their counsels have confirmed that the settlement deed has been duly entered into between them.

6. Learned counsel for State/APP enters appearance and accepts notice. He submits that in view of the statement recorded, let the matter be placed before

the Hon'ble Court.

7. The compromise/settlement deed is in writing and has been duly signed by both the parties. I have heard both the parties and from the direct dialogue with both the parties, it is observed that the consent of both the parties is found to be genuine and has not been obtained under undue influence or pressure.

8. In view of the above, matter be placed before the Hon'ble Court on 25.04.2025.

5. Petitioner Nos. 1, 2 and complainant/respondent No. 2 are physically present before the Court while petitioner No. 3 has entered appearance through VC. They have been identified by their respective counsels as well as by the Investigating Officer SI Manish from PS-Seemapuri.

6. Respondent No.2 submits that the matter has been settled with the petitioners without any force, fear, coercion and she has received the payment of the entire settlement amount of Rs. 1,50,000/- (Rupees One Lakh Fifty Thousand) from the Petitioner No.1 as per the schedule mentioned in the Settlement Deed dated 19.07.2024. She further submits that she has no objection if the FIR No. 0703/2022 alongwith charge sheet 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. 0703/2022 alongwith charge sheet is quashed.

8. In *Gian Singh vs State of Punjab* (2012) 10 SCC 303, Hon'ble Supreme Court has recognized the need of amicable resolution of disputes by observing as under:-

"61. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceedings or continuation of criminal proceedings would tantamount to abuse of process of law despite settlement and compromise between the victim and the wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in the affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceedings."

9. In view of the aforesaid circumstances and the fact that parties have put a quietus to the dispute, no useful purpose will be served in continuing with the present FIR No. 0703/2022, dated 19.08.2022, registered at P.S Seemapuri under sections 498A/406/34 IPC and section 4 of the Dowry Prohibition Act, 1961 and all the other consequential proceeding emanating therefrom.

10. In the interest of justice, the petition is allowed, and the FIR No. 0703/2022, dated 19.08.2022, registered at P.S Seemapuri under sections 498A/406/34 IPC and section 4 of the Dowry Prohibition Act, 1961 along with the charge sheet and all the other consequential proceeding emanating therefrom is hereby quashed.

11. Petition is allowed and disposed of accordingly.

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