

(2025) 07 DEL CK 0776

In the Delhi High Court

Case No : Criminal Miscellaneous Petition No. 3870 Of 2025 & Criminal Miscellaneous Application No.16908-09 Of 2025

Mohan Lal & Ors

APPELLANT

Vs

State Of Not Delhi & Anr

RESPONDENT

Date of Decision : 02-07-2025

Acts Referred:

Bharatiya Nagarik 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)
Protection of Women from Domestic Violence Act, 2005 — Section 12

Citation : (2025) 07 DEL CK 0776

Hon'ble Judges : Ravinder Dudeja, J

Bench : Single Bench

Advocate : Awadhesh Kumar Chauhan, Balram, Shashank Singh, Satinder Singh Bawa, S.P.Sharma

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. 0341/2022, dated 17.09.2022, registered at P.S Karawal Nagar under sections 498A/406/34 IPC and section 4 of the Dowry prohibition Act, 1961 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 29.01.2020 as per Hindu rites and ceremonies at Delhi. No child was born out of the said wedlock. It is submitted that due to temperamental differences, the couple has been living separately since November 2021. Thereafter, the Respondent No.2 filed the following cases against the petitioners.

i. Complaint under section 12 DV Act bearing no. 423/2023

- ii. FIR No. 0341/2022, dated 17.09.2022, registered at P.S Karawal Nagar under sections 498A/406/34 IPC and section 4 of the Dowry prohibition Act, 1961
- iii. Maintenance petition no. 127/2023
- iv. Execution petition no. 273/2024
- v. Civil suit for permanent injunction bearing No. 1231/21

3. During the proceedings, the parties have amicably resolved their disputes and executed a Compromise/Settlement Deed dated 05.08.2024. 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, Dwarka Courts allowed the mutual divorce petition on 14.02.2024, 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 It is submitted that all the previous complaints and litigations initiated by the parties have been withdrawn and all conditions of the Settlement Agreement including the payment of the total settlement amount of Rs. 5,00,000/- (Rupees five lacs) to the Respondent No.2 have been fulfilled as per the schedule mentioned in the Settlement Deed. The copy of Compromise/Settlement Deed dated 05.08.2024 has been placed on record as Annexure P-4.

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

"28.05.2025

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. 341/2022 Under Sections 406/498-A/34 of the Indian Penal Code registered at P.S. KARAWAL NAGAR 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 05.08.2024. 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 R-2 and petitioners has been amicably settled as per the settlement deed dated 05.08.2024. The settlement has been arrived at between the parties herein without any force, coercion, undue influence and pressure. The settlement deed has been signed with wish and will.

4. Investigating Officer is present in Court and has duly verified the identity of both the parties. Separate statement of Investigating Officer has also been recorded.

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 02.07.2025.

5. Petitioners and respondent no.2 are physically present before the Court with respective Advocates. They have been identified by their respective counsels as well as by the Investigating Officers ASI Suman Kumar, P.S.B. Pura and ASI Vikram Singh P.S.Karawal Nagar.

6. Respondent No.2 confirms that the matter has been settled with the petitioners without any force, fear, coercion and she has received the total settlement amount of Rs. 5,00,000/- (Rupees five lacs) from the Petitioner No.1 as per the schedule mentioned in the Compromise/Settlement Deed dated 05.08.2024. She further submits that she has no objection if the FIR No. 0341/2022 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. 0341/2022 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. 0341/2022, dated 17.09.2022, registered at P.S Karawal Nagar 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 FIR No. 0341/2022, dated 17.09.2022, registered at P.S Karawal Nagar under sections 498A/406/34

IPC and section 4 of the Dowry prohibition Act, 1961 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.