
(2025) 12 DEL CK 1766

In the Delhi High Court

Case No : Criminal Miscellaneous Petition No. 8724 Of 2025 & Criminal Miscellaneous Application No. 36436 Of 2025

Shish Kumar & Anr.

APPELLANT

Vs

State (Govt. Of Nct Of Delhi) & Anr.

RESPONDENT

Date of Decision : 08-12-2025

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 1766

Hon'ble Judges : Ravinder Dudeja, J

Bench : Single Bench

Advocate : S.S. Singh, Satinder Singh Bawa, Tarun Singh

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. 859/2019, dated 21.12.2019, registered at P.S Nihal Vihar, 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 05.02.2018 as per Hindu Rites and ceremonies at Delhi. However on account of temperamental differences Petitioner No. 1 and Respondent No. 2 are living separately since 19.05.2019.

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. 859/2019 was lodged at the instance of respondent no. 2 at PS Nihal Vihar under sections 498A/406/34IPC against the petitioners.

Subsequently Chargesheet was filed.

4. During the course of proceedings, the parties amicably resolved their disputes and the terms of settlement were written in the form of Compromise/Settlement Deed dated 24.12.2024. It is submitted that petitioner no. 1 and respondent no. 2 have obtained divorce on 04.04.2025 and the respondent no. 2 has handed over the possession of the property bearing no. 13-B, Khasra No. 27/16, Nilothi Extension, Himgiri Enclave, New Delhi to the petitioner no.1 and 2 as per the schedule in the settlement. Copy of the settlement agreement dated 24.12.2024 has been annexed as Annexure P-3.

5. Parties are physically present before the Court. They have been identified by their respective counsels as well as by the Investigating Officer SI Parmender Kumar, from PS Nihal Vihar.

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. 859/2019 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. 859/2019 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 above mentioned FIR and the proceedings pursuant thereto.

11. In the interest of justice, the petition is allowed, and the FIR No. 859/2019, dated 21.12.2019, registered at P.S Nihal Vihar, Delhi under Sections 498A/406/34 IPC and all the other consequential proceeding emanating therefrom is hereby quashed. Since State machinery has been used, the order of quashing is subject to petitioners depositing cost of Rs. 10,000/- with Delhi High Court Advocates Welfare Trust within one month.

12. Petition is allowed and disposed of accordingly.
13. Pending application(s), if any, also stand disposed of.