

Anand Prakash & Ors vs State Of Nct Of Delhi & Ors on 9 December, 2024

Author: Chandra Dhari Singh

Bench: Chandra Dhari Singh

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IN THE HIGH COURT OF DELHI AT NEW DELHI

CRL.M.C. 8478/2023

ANAND PRAKASH & ORS.

.....Petit

Through: Mr. Shivam Sharma (D/456/2009)

Mr. Balram (D/7156/2018) Ms. N

Ranga (D/5971/2017) Mr. Rahul

(D/6381/2022) Mr. Saurabh Math

(D/5714/2024), Advocates.

versus

STATE OF NCT OF DELHI & ORS.

.....Res

Through: Mr. Satish Kumar, APP for th

with SI Anita.

Ms. Naina walia, Mr. Lalit y

Mr. Ajit Siwach, Advocates.

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

% 09.12.2024

1. The instant petition under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter as the "Code") [earlier under Section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023 (hereinafter as the "BNSS")] has been filed on behalf of the petitioners praying for quashing of the FIR bearing no. 503/2021 registered at Police Station - Chhawala, Delhi for the offences punishable under Sections 498A/354/376(2)(n) /109/323 /406/ 354(B)/509/377/506/34 of the Indian Penal Code, 1860 (hereinafter "IPC").

2. The brief facts of the case are that the marriage between the petitioner no. 3 and the respondent no. 2 was solemnised on 21 st February, 2019 at Delhi according to the Hindu rites and ceremonies. One child is born out of This is a digitally signed order.

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3. As per the contents of the FIR, the respondent no. 2 was subjected to various atrocities, such as

the offences of rape and cruelty, by her husband and his family, during the subsistence of her marriage with the petitioner no.3. Accordingly, the aforesaid FIR was registered against the petitioners herein. A cross FIR bearing no. 78/2022 was also registered against the respondent no. 2 and her family members by the petitioner no. 1 herein.

4. Thereafter, the learned Trial Court framed charges against the petitioners vide orders dated 8th April, 2022 in the present FIR, which is annexed as Annexure E (colly) to the instant petition.

5. Learned counsel for the petitioners submitted that with the intervention of family members and relatives, the parties herein have entered into a settlement vide a Memorandum of Understanding (MoU)/Settlement Agreement dated 10th May, 2023. The terms and conditions of the said settlement are mentioned in the MoU which is annexed as Annexure F to the instant petition.

6. It is further submitted that in pursuance of the said settlement, the parties filed a divorce petition under Section 13(1)(ia) of the Hindu Marriage Act, 1955 (hereinafter as the "HMA") before the learned Principle Judge Family Courts, Rohini Courts, Delhi (hereinafter as the "Family Court") and the first motion of divorce was granted vide order dated 5 th August, 2023. The parties filed for second motion of divorce under Section 13B(2) of HMA and vide judgment/order dated 23rd September, 2023, the parties were granted a decree of divorce.

7. It is submitted that the respondent no.2 has settled all her claims in respect of her dowry articles, stridhan, marriage expenses, jewellery, gift This is a digitally signed order.

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8. In view of the foregoing submissions, it is prayed that the instant FIR be quashed on the basis of the settlement arrived at between the parties and in accordance with the settled law on this point as posited by the Hon'ble Supreme Court. At this juncture, the petitioners appearing in-person also undertakes to not repeat the same conduct in the future.

9. Per Contra, Mr. Satish Kumar, learned APP for the State opposed the instant petition submitting to the effect that the charges levelled against the petitioners are serious in nature. However, given the peculiar facts of the instant case and in view of the settlement arrived at between the parties, there is no opposition to the prayer made by the petitioners seeking quashing of the aforesaid FIR.

10. Heard learned counsel for the parties and perused the record.

11. At this juncture, it is pertinent to delve into the principle of quashing of the FIR based on the settlement arrived at between the parties, especially when the same involves serious offences such as rape. Therefore, it is apposite to mention the case of X3 v. State of Gujarat, 2024 SCC OnLine SC

3314, wherein the Hon'ble Supreme Court observed that a genuine settlement must be arrived at between the victim and the accused for quashing of an FIR, especially when the same involves an offence punishable under Section 376 of the IPC. It was further specified that until and unless the Court is satisfied with the genuineness of the settlement, given the gravity of the offence, it cannot go ahead with the quashing of the This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 21/12/2024 at 04:44:22 said FIR. In light of the same, the Hon'ble Court laid emphasis on the appearance of the victim in such cases in order to verify the veracity of the documents and the settlement between the parties.

12. Therefore, keeping the aforesaid observations in mind, this Court sought for the identification of the parties, wherein the petitioners are present before this Court and have been identified by their counsel and the Investigating Officer. The respondent no. 2 is also present in the Court and has been identified by her counsel as well as the Investigating Officer .

13. On the query made by this Court, the respondent no.2 has categorically stated that she has entered into a compromise on her own free will and without any pressure. It is also stated by the respondent no.2 that the entire dispute has been amicably settled between the parties. The parties also undertook that they shall abide the terms and conditions of the Settlement Agreement arrived at between the parties.

14. At this stage, the petitioner no.3 has handed over a Demand Draft bearing No.132586 for the balance amount of Rs.6,00,000/- dated 21st October, 2024 in the name of respondent no.2 today in the Court. The respondent no.2 has verified the particulars of the said Demand Draft to her satisfaction and stated them to be correct.

15. Adverting to the instant case, the charges levelled against the petitioners are serious in nature. However, the disputes between the said parties are familial in nature and therefore, it is pertinent to note that in the case of State of Madhya Pradesh vs. Laxmi Narayan and Ors., (2019) 5 SCC 688, the Hon'ble Supreme Court held that the powers conferred under Section 482 of the Cr.P.C, can be exercised by the Courts to quash the criminal proceedings featuring non-compoundable offences, when the This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 21/12/2024 at 04:44:22 matter arises out of matrimonial or family disputes. Moreover, it is pertinent to satisfy the Court that the said non-compoundable offences are private in nature and does not have a serious impact on the society.

16. Furthermore, it was observed by the Hon'ble Supreme Court in the case of Ramgopal and Ors. Vs. The State of Madhya Pradesh, 2021 INSC 568, that the extraordinary power of the High Court under Section 482 of Cr.P.C. can be invoked even when such a case falls within the ambit of non-compoundable offences given that the Court must be satisfied that the nature of the offence does not

impact the conscience of the society and that the compromise between the parties is voluntary and amicable.

17. In light of the aforementioned case laws as well as the facts and circumstances of the case, it is observed that the respondent no. 2, who is present in the Court, has categorically stated that she has entered into compromise and settled the entire disputes amicably with the petitioners by her own free will and without any pressure or coercion, thereby, establishing the genuineness of the settlement arrived at between the parties.

18. Moreover, in *Gian Singh vs. State of Punjab*, (2012) 10 SCC 303, the Hon'ble Supreme Court observed the principles of quashing an FIR on the basis of amicable resolution of disputes. With regard to the same, it is observed that irrespective of the settlement or compromise arrived at between the parties, if the High Court is of the view that continuation of criminal proceedings between the parties would amount to abuse of process of law, the same may be quashed.

19. At this juncture, it is also apposite to state that the instant criminal proceedings involve non-compoundable offences which are private in nature and do not have a serious impact on the society especially when there is a This is a digitally signed order.

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20. In the instant case, as stated above, the parties have reached on the compromise and amicably settled the entire disputes without any pressure. In view of the settlement arrived at between the parties and the law laid down by the Hon'ble Supreme Court, the present petition is allowed. Accordingly, FIR bearing No.503/2021, registered at Police Station Chhawala for offences punishable under Sections 498A/354 /376(2)(n)/109 /323/406/354(B)/509/377/506/34 of the IPC and all the consequential proceedings emanating therefrom are quashed. It is clarified that the minor child after attaining the age of majority will be entitled to claim its shares in the ancestral and father's property in accordance with law.

21. The petition stands disposed of along with pending applications, if any.

CHANDRA DHARI SINGH, J DECEMBER 9, 2024 NA/mk Click here to check corrigendum, if any
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