

# Karan Khanna & Anr vs The State (Govt Of Nct Of Delhi) & Anr on 4 April, 2022

**Author: Chandra Dhari Singh**

**Bench: Chandra Dhari Singh**

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IN THE HIGH COURT OF DELHI AT NEW DELHI

CRL.M.C. 695/2022

KARAN KHANNA & ANR

Through:

.....  
Mr. Abhay Singh and Ms  
Dugar, Advocates

versus

THE STATE (GOVT OF NCT OF DELHI) & ANR

..... Respondent

Through: Mr. Panna Lal Sharma, APP for St  
with SI Raghu Raj Singh, P.S. Ne  
Ashok Nagar.  
Mr. Vikas Sharma, Advocate  
(D/879/1991) for R-2 alongwith R  
(through VC).

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH  
ORDER

% 04.04.2022

1. The instant petition under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter "Cr.P.C.") has been filed by the petitioners praying for quashing of FIR bearing No. 315/2019 registered at Police Station New Ashok Nagar for offences punishable under Sections 498A/406/34 of the Indian Penal Code, 1860 (hereinafter "IPC").

2. Both the petitioners are present before this Court and have been identified by their counsel Mr. Abhay Singh and Investigating Officer SI Raghu Raj Singh from Police Station New Ashok Nagar. Respondent No.2 is also present through VC and has been identified by her counsel Mr. Vikas Sharma and the Investigating Officer.

3. On the query made by this Court, respondent no.2 has categorically stated that she has entered into compromise on her own free will and without any pressure. It is also stated by respondent No.2 that the entire dispute has been amicably settled between the parties.

4. The brief facts of the case are that the petitioner no.1 and respondent no.2 got married to each other on 15th February 2014 at Delhi according to Hindu rites and ceremonies but due to some temperamental differences between them, they started living separately since 1st September 2018. There is no child born out of their wedlock. Despite several efforts of reconciliation, both the parties

could not settle the differences. Respondent no.2 lodged the aforesaid FIR against all the petitioners on 29th May 2019.

5. With the intervention of family members and relatives, parties entered into settlement vide Mutual Settlement dated 30th August 2019. The terms and conditions of the said settlement are mentioned in paragraphs (a) to (i) of the said settlement which is annexed to the petition as Document 2.

6. In pursuance of the aforesaid settlement, the parties moved for divorce under the Hindu Marriage Act, 1955 (hereinafter "HMA"). Petitioner No.1 and respondent No.2 filed their first motion of the divorce petition under Section 13B(1) of HMA and same was allowed by the Principal Judge, Family Courts, South, Saket, New Delhi. Petition under Section 13B(2) of HMA was filed by the parties and the marriage between petitioner No. 1 and respondent No. 2 stood dissolved by mutual consent vide order dated 19th February 2021.

7. It is submitted that respondent No.2 has settled all her claims in respect of her dowry articles, stridhan, marriage expenses, jewellery, gift items and claims of past, present and future maintenance and permanent alimony with petitioner No.1 and other family members for a sum of Rs. 27 Lacs and all disputes of any nature whatsoever. Respondent no.2 submitted that as per the settlement, she has received the entire settled amount.

8. In compliance with order dated 2nd March 2022 Memorandum of Understanding dated 29th March 2022 signed by all the parties has been placed on record.

9. It is accordingly prayed that on the basis of Mutual Settlement dated 30th August 2019, Memorandum of Settlement dated 29th March 2022 and as per the Judgment of the Hon'ble Supreme Court passed in Gian Singh vs. State of Punjab, (2012) 10 SCC 303, the instant FIR may be quashed.

10. Mr. Panna Lal Sharma, learned APP for the State submitted that there is no opposition to the prayer made by the petitioners seeking quashing of the FIR in question in view of the settlement arrived at between the parties.

11. Heard, learned counsel for the parties and perused the record.

12. The instant criminal proceedings in respect of non-compoundable offences which are private in nature and do not have a serious impact on the society especially when there is a settlement/compromise between victim and accused. In such cases, it is settled law that High Court is also required to consider the conduct and antecedents of the accused in order to ascertain that the settlement has been entered into by her own free will and has not been imposed upon her by the petitioner or any person related to him. In the present case, the complainant is present in Court and has categorically stated that she has entered into compromise and settled the entire disputes amicably with petitioner no.1 and his family members by her own free will without any pressure or coercion. There is also no allegation from respondent no.2 that the conduct and antecedents of

petitioners have been bad towards her after the compromise. As per the settlement, the respondent No.2 has received the entire settled amount.

13. In the case of B.S. Joshi & Ors. vs. State of Haryana & Ors (2003) 4 SCC 675, the Hon'ble Supreme Court has held that if for purpose of securing the ends of justice, quashing of FIR becomes necessary, Section 320 Cr.P.C. would not be a bar to the exercise of the power of quashing under Section 482 Cr.P.C.

14. Moreover, the Hon'ble Supreme Court in Jitendra Raghuvanshi & Ors. vs. Babita Raghuvanshi & Anr. (2013) 4 SCC 58, has held that criminal proceedings on FIR or complaint can be quashed under Section 482 Cr.P.C. in appropriate cases in order to meet ends of justice. Even in non-compoundable offences pertaining to the matrimonial disputes, if Court is satisfied that parties have settled the disputes amicably and without any pressure, then for the purpose of securing ends of justice, FIRs or complaints or subsequent criminal proceedings in respect of offences can be quashed.

15. 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. 315/2019 registered at Police Station New Ashok Nagar for offences punishable under Sections 498A/406/34 of the IPC and all consequential proceedings emanating therefrom are quashed.

16. Accordingly, the petition stands disposed of.

CHANDRA DHARI SINGH, J APRIL 4, 2022 Aj/ct