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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 3032/2015**

RAO SHAKTI & ORS Petitioners
Through Mr.Sanjeev Kumar & Mr.Mahesh
Kumar Sharma, Adv.

versus

THE STATE & ANR Respondents
Through Mr.Sanjay Lao, ASC with
Mr.Siddharth Sindhu, Adv.
SI Subhash Chand CAW Cell/East.

CORAM:
HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER
% **21.12.2015**

Crl.M.A No.18638/2015

Exemption granted subject to all just exceptions.

Application stands disposed of.

W.P.(Crl.) 3032/2015

The petitioners seek quashing of FIR No. 859/2013 (P.S. Madhu Vihar) instituted for offences under Sections 498A/406/34 of the IPC on the strength of a settlement having been arrived at with the complainant (respondent no.2).

The petitioner no. 1 is the husband of respondent no. 2 and the other petitioners are related to petitioner no. 1.

The marriage between the petitioner no.1 and respondent no.2 was solemnized on 05.05.2005 as per Hindu rites and customs at New Delhi and

out of said wedlock, two children were born. However, disputes arose between the petitioners and respondent no.2 on account of temperamental differences.

The respondent no. 2 filed a complaint at CAW Cell which subsequently, led to the registration of the subject FIR under Sections 406/498A/34 of the IPC.

With the intervention of the relatives and well-wishers of the family, later, a settlement came to be arrived at between the parties, wherein petitioner no.1 and respondent no.2 agreed to resolve their differences and make attempts to restore their matrimonial relations. In terms of the settlement, the petitioner no. 1 and respondent no.2 have started living together as man and wife along with their two children.

The parties are present in the Court and they testify to the averments made in the petition.

Considering the fact that the grievance of the respondent no.2 has been completely redressed and petitioner no.1 and respondent no.2 have now started residing together, it would only be in the fitness of things that the subject FIR be quashed.

In the case of ***Jitendra Raghuvanshi & Ors. vs. Babita Raghuvanshi & Anr. (2013) 4 SCC 58***, wherein the Supreme Court in respect of the matrimonial disputes has specifically held as follows:-

“15. In our view, it is the duty of the courts to encourage genuine settlements of matrimonial disputes, particularly, when the same are on considerable increase. Even if the

offences are non-compoundable, if they relate to matrimonial disputes and the Court is satisfied that the parties have settled the same amicably and without any pressure, we hold that for the purpose of securing ends of justice, Section 320 of the Code would not be a bar to the exercise of power of quashing of FIR, complaint or the subsequent criminal proceedings.

16. There has been an outburst of matrimonial disputes in recent times. The institution of marriage occupies an important place and it has an important role to play in the society. Therefore, every effort should be made in the interest of the individuals in order to enable them to settle down in life and live peacefully. If the parties ponder over their defaults and terminate their disputes amicably by mutual agreement instead of fighting it out in a court of law, in order to do complete justice in the matrimonial matters, the courts should be less hesitant in exercising their extraordinary jurisdiction. It is trite to state that the power under Section 482 should be exercised sparingly and with circumspection only when the Court is convinced, on the basis of material on record, that allowing the proceedings to continue would be an abuse of process of court or that the ends of justice require that the proceedings ought to be quashed....”

Keeping in mind the facts of this case and the settlement between the parties, allowing the criminal proceeding to be continued any further would not be in accord with the guiding factor namely securing the ends of justice.

For the reasons aforerecorded FIR No. 859/2013 (PS. Madhu Vihar) and all the emanating proceedings thereof are quashed.

The petition is disposed of in terms of the above.

ASHUTOSH KUMAR, J

DECEMBER 21, 2015/ns