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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(CRL) 3065/2015
SUSHIL KHOSLA Petitioner
Through Mr.Rajiv Bajaj, Adv.

versus

THE STATE (GOVT OF NCT OF DELHI) & ANR Respondents
Through Ms.Richa Kapoor, ASC with
Mr.Rohit Kaul & Mr.Ashish Negi,
Adv.
W/SI Anju Tyagi PS Hari Nagar.

CORAM:
HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

% 22.12.2015

Crl.M.A No.18805/2015

Exemption granted subject to all just exceptions.

Application stands disposed of.

WP.Crl. 3065/2015

The petitioners are seeking quashing of FIR No. 768/2015 (PS. Hari Nagar) instituted for offences under Sections 498A/406/34 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 the related to petitioner no. 1.

The marriage between the petitioner no.1 and respondent no.2 was solemnized on 25.04.2008 as per Hindu religious rites and ceremonies at Delhi and out of said wedlock, a male child was 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 under Section 12 of the DV Act which subsequently led to the registration of the subject FIR against petitioners under Sections 498A/406/34 of the IPC.

The matter was referred to the Mediation Centre, Tis Hazari Courts, Delhi when petitioner no.1 and respondent no.2 decided to amicably resolve their disputes. The said settlement was recorded in the mediation proceedings on 15.09.2015. In view of the settlement arrived at between the parties, petitioners and respondent no. 2 have started living together.

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 afore-recorded FIR No. 768/2015 (PS. Hari Nagar) and all the emanating proceedings thereof are quashed.

The petition is disposed of in terms of the above.

ASHUTOSH KUMAR, J

DECEMBER 22, 2015/ab