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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.M.C. 1410/2022**

SUNNY AND ORS.

..... Petitioners

Through: **Mr.Atin Handuja, Advocate**

versus

THE STATE OF NCT OF DELHI AND ANR. Respondents

Through: **Mr.Raghvinder Verma, APP for the State.**

SI Gaurav Kumar, PS Mehrauli

WSI Mukti No.D-2034

Mr.Tyagi, advocate (D/451-R/1996)
with respondent no.2 in person.

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Date of Decision: 08.12.2022

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

1. Present petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.1346/14 registered at Mehrauli, New Delhi under section 498A/406/34 IPC.
2. Statement of respondent no.2 has been recorded separately wherein she has stated that she has entered into a settlement with the petitioners. She has stated that she was married to Sunny on 10.12.2012. However, due to some matrimonial discord, a dispute arose between her and petitioner after which she left her matrimonial home and lodged a complaint before CAW Cell, Saket, New Delhi on 09.12.2013. She has

further stated that they have now entered into a settlement dated 30.03.2017 before the Mediation Centre, Saket Courts, New Delhi wherein she agreed to concile the differences of life and the parties are now living together peacefully in harmony. She has stated that she has no objection if FIR No.1346/14 registered at Mehrauli, new Delhi under section 498A/406/34 IPC and all other proceedings emanating therefrom are quashed. She has been duly identified by the IO.

3. In cases where the offences are not compoundable in nature, the parties on account of an amicable settlement may invoke the inherent power under Section 482 Cr.P.C. for quashing the proceedings on the plea that continuance thereof would merely be an abuse of process of law.
4. The Apex court has time and again held that the High Court is entitled to quash a proceeding if it comes to a conclusion that allowing the proceeding to continue would be an abuse of the process of the court or would not lead to the ends of justice. However, It is imperative to mention 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.
5. In *K. Srinivas Rao v. D.A. Deepa*, (2013) 5 SCC 226 it was held as under

“....though offence punishable under Section 498-A IPC is not compoundable, in appropriate cases if the parties are willing and if it appears to the criminal court that there exist elements of settlement, it should direct the parties to explore the possibility of settlement through mediation. This is, obviously, not to dilute the

rigour, efficacy and purport of Section 498-A IPC, but to locate cases where the matrimonial dispute can be nipped in bud in an equitable manner..... If there is settlement, the parties will be saved from the trials and tribulations of a criminal case and that will reduce the burden on the courts which will be in the larger public interest. Obviously, the High Court will quash the complaint only if after considering all circumstances it finds the settlement to be equitable and genuine”

6. The parties have reached on an amicable settlement out of their own free will, without any fear, force or coercion. The terms of settlement are not against any public policy. It is always desirable to restore harmony between the parties.
7. After considering the facts and circumstances of the case, this court has come to a conclusion that to secure the ends of justice, it would be desirable to put a quietus to this case.
8. In view of the statement made by respondent no.2, FIR No.1346/14 registered at Mehrauli, New Delhi under section 498A/406/34 IPC and all other proceedings emanating therefrom are quashed.
9. Petition stands disposed of.

DINESH KUMAR SHARMA, J

DECEMBER 08, 2022

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