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

+ **CRL.M.C. 3347/2022**

DEEPAK @ HARIOM & ORS.

..... Petitioner

Through: Ms.M.S.Yadav, Mr.S.Y.Usmani and
Mr.Ashok Tobria, advocates

versus

THE STATE & ANR.

..... Respondents

Through: Mr.Hemant Mehla, APP for the state.
ASI Sudesh Pal, PS New Usmanpur
Mr.Rishi Kumar, adv. for R-2 with
R-2 in person.

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Date of Decision: 13.12.2022

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.0722/2016 registered at P.S. New Usmanpur under section 498A/406/34 IPC.
2. The factual matrix giving rise to the instant case is that the marriage between petitioner no. 1 and respondent no. 2 was solemnised on 24.11.2013 as per Hindu Rites and ceremonies. No child was born out of this wedlock. It is averred that a dispute took place between petitioners and Respondent No. 2 due to some misunderstanding and

miscommunication. This led to various litigations between the parties including the present FIR.

3. Learned Counsel for the petitioners submits that the parties have now resolved their disputes amicably and have arrived at a settlement dated 26.03.2019 before the Delhi Mediation Centre, Karkardooma Courts, Delhi.
4. As per the settlement, it was agreed upon between the parties that they shall dissolve their marriage by mutual consent in accordance with law and that petitioner no. 1 shall pay Rs.2,92,000/- and one gold ring in full and final settlement of the entire dispute.
5. Learned Counsel for the petitioners submits that all the pending cases have already been withdrawn as per the terms and conditions of settlement and no case is pending between the parties, therefore, no purpose would be served to proceed further with the proceedings emanating from FIR No. 722/2016 lodged at P.S. New Usmanpur under section 498A/406/34 IPC.
6. The parties are also present in court and have duly been identified by the IO. Statement of respondent no.2 has been recorded separately wherein she stated that pursuant to the settlement, a mutual divorce petition was filed and a decree of divorce was granted vide order dated 16.12.2019 by the learned Judge, Family court, North East District, Karkardooma, Delhi. She has also stated that she has already been paid Rs.2,42,000/- and the remaining Rs.50,000/- has been paid today vide demand draft No.651773 dated 08.12.2022. She stated that she has no objection if FIR No.0722/2016 registered at P.S. New Usmanpur under section 498A/406/34 IPC and all other proceedings emanating

therefrom are quashed. She also stated that she is making the statement voluntarily against all claims (past, present and future) without any fear, undue influence or coercion

7. It is a settled proposition that it becomes the duty of the court to encourage genuine settlements of matrimonial disputes. Reliance may be placed upon ***B.S.Joshi v. State of Haryana***, (2003) 4 SCC 675.
8. In ***Bitan Sengupta v. State of W.B.***, (2018) 18 SCC 366, it was *inter alia* held that in matrimonial disputes with respect to quashing of non-compoundable offences in cases of settlement of such disputes, having ramifications limited to the parties themselves, who have arrived at a settlement, it is the duty of court to encourage and act upon genuine settlements in such cases.
9. Furthermore, a Coordinate Bench of this Court in CRL.M.C. No. 599/2021 titled '***Rifakat Ali & Ors Vs. State & Anr.***', decided on 26.02.2021 and in CRL.M.C. No. 2819/2022 titled '***Sh. Shailesh Deshwal vs. State of NCT of Delhi & Anr.***' decided on 03.08.2022, following the settled principles enumerated above, have exercised their power under section 482 CrPC to quash criminal proceedings in matrimonial cases, whereby parties have amicably arrived upon a genuine settlement.
10. A perusal of the above-mentioned judgments makes the consistent view taken by the Supreme Court amply clear, that in criminal cases where the Court is convinced that the offences are entirely personal in nature and therefore do not affect public peace or tranquillity and where it feels that quashing of such proceedings on account of compromise

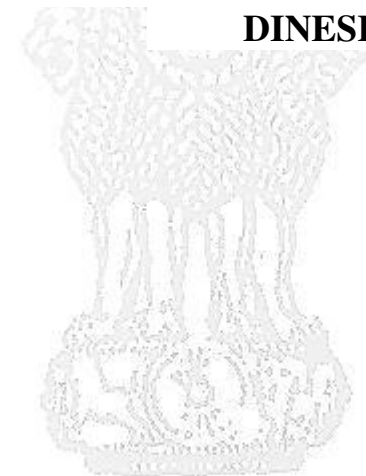
would bring about peace and would secure ends of justice, it should not hesitate to quash them. In such cases, pursuing prosecution would be waste of time and energy.

11. In view of the aforesaid discussion and the statement made by respondent no.2, FIR No.0722/2016 registered at P.S. New Usmanpur under section 498A/406/34 IPC and Section 4 of Dowry Prohibition Act and all other proceedings emanating therefrom are quashed.
12. The petition stands disposed of.

DINESH KUMAR SHARMA, J

DECEMBER 13, 2022

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