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

+ CRL.M.C. 3192/2019

SANJAY

..... Petitioner

Through: Mr.Adesh Kumar, Advocate

versus

STATE & ANR.

..... Respondents

Through: Mr.Amit Sahni, APP for the State.
SI Sita Ram, PS Karawal Nagar
Mr.Anuj Kumar Ranjan, adv. for R-2.

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Date of Decision: 02.12.2022

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

1. The present petition has been filed for quashing FIR No. 0176/2015 registered at P.S. Karawal Nagar under section 498A/406/34 IPC and Section 4 of DP Act.
2. Facts, in brief, are that the petitioner married respondent no.2/complainant on 19.02.2010 as per Hindu rites and ceremonies. The parties lived together till 10.10.2010 and since then they have been living separately from each other on account of different temperaments.
3. Respondent no. 2 /complainant lodged an FIR No. 0176/2015 against the petitioner and his family members under section 498A/406/34 IPC

at P.S. Karawal Nagar. However, after the investigation, the chargesheet has been filed against the petitioner only and CC/1649/2018 is pending in the court of Learned MM, Karkardooma, New Delhi.

4. Learned Counsel for the petitioner submits that during the pendency of the divorce proceedings, the parties have resolved their disputes amicably and in furtherance thereof they have entered into a settlement deed dated 22.04.2018 before the Mediation Centre, Karkardooma Courts, Delhi. As per the terms of the settlement deed, it was agreed between the parties that the petitioner will pay Rs.3,50,000/- in full and final settlement of the entire dispute to respondent no. 2/complainant.
5. Pursuant to the settlement, a mutual divorce petition was also filed and a decree of divorce was granted vide order dated 04.12.2018 by the learned Principal Judge, Family Court, North East District, Karkardooma Courts, Delhi.
6. Learned Counsel for the petitioner submits that since the parties have resolved all their differences amicably, therefore, it would be in the interest of justice to quash FIR No. 0176/2015 and all the proceedings emanating therefrom.
7. It is settled that the inherent powers under section 482 of the Code are required to be exercised to secure the ends of justice or to prevent abuse of the process of any court. Further, the High Court can quash non-compoundable offences after considering the nature of the offence and the amicable settlement between the concerned parties. Supreme Court and this Court have repeatedly quashed the criminal proceeding or complaint or FIR, where the offender and victim have settled their

dispute, especially in the criminal cases having overwhelmingly and predominately civil favour including offences arising out of matrimony or family disputes as these disputes, are private or personal in nature and the parties have resolved the entire dispute.

8. In the case of *State of Maharashtra v. Vikram Anantrai Doshi*, (2014) 15 SCC 29, the Apex Court has observed that the principal duty of the Courts while exercising powers under Section 482 CrPC to quash criminal proceedings, should be to scan the entire facts to find out the thrust of the allegations and the crux of the settlement. It was observed, that it is the experience of the Judge that comes to his aid and the said experience should be used with care, caution, circumspection and courageous prudence.
9. The petitioner and respondent no. 2 are present in court and have duly been identified by the IO. Statement of respondent no.2 i.e. Ms. Richa Sharma has also been recorded separately wherein she has stated that she has already received the entire settlement amount of Rs.3,50,000/-. She has also stated that she has resolved all her matrimonial disputes with the petitioners out of her own free will, without pressure, coercion or undue influence and does not want to pursue the present case any further. She requests that FIR No. 0176/2015 registered at P.S. Karawal Nagar under section 498A/406/34 IPC and all other proceedings emanating therefrom are quashed.
10. In view of the statement by respondent no.2/ complainant and the fact that the present FIR arises out of a matrimonial dispute, this court is inclined to quash the proceedings. It is pertinent to mention that the

apex court and this court have encouraged genuine settlement of marital disputes.

11. Accordingly, FIR No. 0176/2015 registered at P.S. Karawal Nagar under section 498A/406/34 IPC and Section 4 of D.P. Act and all other proceedings emanating therefrom are quashed.
12. The petition stands disposed of.

DINESH KUMAR SHARMA, J

DECEMBER 2, 2022

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