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

+ **CRL.M.C. 6583/2022**

SANJAY & ANR.

..... Petitioners

Through: Mr. Radhey Shyam Sharma, Adv.
versus

THE STATE (NCT OF DELHI) AND ANR.

..... Respondents

Through: Mr. Raghuvinder Verma, APP for the
State with SI Hawa Singh, PS
Mangalpuri.
Mr. Nikhil Aggarwal, Adv. for R-2.

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Date of Decision: 8th December, 2022

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

CRL.M.A. 25682/2022 (Exemption)

Exemption is allowed subject to all just exception.

CRL.M.C. 6583/2022

1. The present petition has been filed under section 482 C.P.C. seeking quashing of FIR No. 1461/2017 registered at P.S. Mangol Puri under sections 406/498A/34 IPC.

2. Briefly stated the facts are that the marriage between petitioner No. 1 (husband) and respondent No. 2 (wife) was solemnized on 11th March, 2016 as per Hindu rites and customs in Delhi. However, owing to temperamental differences both parties started residing separately since 5th February, 2017. Subsequently, respondent No. 2 (wife) got registered FIR No. 1461/2017 registered at P.S. Mangol Puri under sections 406/498A/34 IPC
3. It has been submitted that with the intervention of the elders, both parties have now amicably resolved all their disputes vide (MoU) settlement agreement dated 28.09.2021. As per the settlement agreement dated 28.09.2021 it has been agreed between the parties that the parties would file for divorce by way of mutual consent, it has also been agreed that petitioner No.1 will pay Rs.3,70,000/- towards a full and final settlement of the entire dispute.
4. Learned Counsel for the petitioner submits that since the parties have resolved all their differences amicably, therefore, no useful purpose would be served by continuing the abovesaid FIR and proceedings emanating therefrom and seeks that the same be quashed.
5. Respondent No.2/complainant namely Ms.Pinki is present in court and has duly been identified by the IO. She states that pursuant to the settlement, a mutual divorce petition was filed and a decree of divorce was granted vide order dated 4th June, 2022 by the learned Principal Judge, Family Court, North Rohini, Delhi. She further states that she

has already been paid Rs.2,40,000/- and remaining Rs.1,30,000/- has been received today by way of a Demand Draft bearing No.655173 dated 5th December, 2022 drawn on Union Bank. She states that she has resolved all her disputes amicably and has entered the settlement agreement dated 28.09.2021 voluntarily without any fear, undue influence or coercion. She states that she has no objection if the FIR No.1461/2017 lodged at PS Mangol Puri U/s 498A/406/34 IPC and all other proceedings emanating therefrom are quashed.

6. Thus, having considered the submissions/ voluntary statement of respondent No. 2/ complainant and upon perusal of the records, this Court deems it apposite to reiterate the settled principles of law with respect to exercising power conferred under 482 Cr.P.C. in matrimonial cases.
7. The powers under Section 482 Cr.P.C., are of wide plenitude but have to be exercised sparingly with caution and only in the event when aforesaid the conditions laid down in the section itself are satisfied. The object behind the exercise of such power should be to do real and substantial justice for the administration of which the courts exist. In the case of ***B.S. Joshi and others v. State of Haryana and another*** 2003(4) SCC 675 the Apex Court has observed that even though the provisions of Section 320 Cr.P.C. would not apply to such offences which are not compoundable, it did not limit or affect the powers under Section 482Cr.P.C. The Apex Court laid down that if for the purpose of securing the ends of justice, quashing of FIR becomes

necessary, section 320 Cr.P.C. would not be a bar to the exercise of power of quashing.

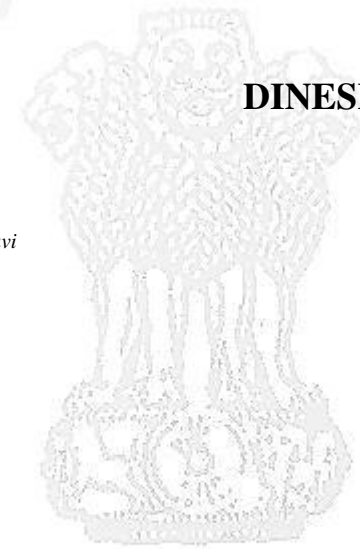
8. The Supreme Court in ***Gian Singh v. State of Punjab***, (2012) 10 SCC 303 *inter alia* held that it is encouraged to quash the FIR in circumstances wherein a compromise has been achieved especially in those criminal cases which have overwhelmingly and predominantly civil character, particularly those arising out of commercial transactions or arising out of a matrimonial relationship or family disputes.
9. It is pertinent to note that the Supreme court and this court have consistently encouraged the amicable settlement of disputes arising out of martial discord. Recently, the Supreme court in ***Jasmair Singh and Another vs. State of Haryana and Another*** (2022) 9 SCC 73 quashed the proceedings arising out of a matrimonial dispute on the ground that the parties have buried the hatchet and decided to give quietus to the proceedings which were lodged inter se.
10. 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 Cr.P.C to quash criminal proceedings in matrimonial cases, whereby parties have amicably arrived upon a genuine settlement. Reliance can also be placed upon ***Yashpal***

Chaudhrani and Others vs. State (Govt. of NCT Delhi) and Another, 2019 SCC OnLine Del 8179.

11. In view of the aforesaid discussion and the statement of respondent no.2/complainant recorded separately, the case FIR No.1461/2017 lodged at PS Mangol Puri U/s 498A/406/34 IPC and all the proceedings emanating therefrom are quashed.
12. The present petition stands disposed of.

DINESH KUMAR SHARMA, J

DECEMBER 8, 2022/Pallavi



न्यायमेव जयते