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

+ **CRL.M.C. 6593/2022**

IMRAN & ORS.

..... Petitioners

Through: Ms. Leelawati Suman and Mr. D.P.
Shukla, Advs.

versus

THE STATE NCT OF DELHI & ANR.

..... Respondents

Through: Mr. Raghuvinder Verma, APP for the
State with SI Madhu Yadav PS
Jaitpur.

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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)

1. The present petition has been filed for quashing FIR No.160/2015 registered at PS Jaitpur under section 498A/406/34 IPC.
2. Brief facts leading to the present petition are that petitioner no. 1 and respondent no. 2 were married to each other on 11th November, 2012 according to Islamic Law, rituals and customs. No child was born out of this wedlock. However, Owing to misunderstanding and

temperamental differences, both Respondent No.2 and Petitioner No. 1 started living separately from 22nd September, 2014.

3. Respondent No.2 made a complaint against the petitioner no. 1 and his family members, which later culminated into above mentioned FIR No.160/2015 registered at PS Jaitpur under section 498A/406/34 IPC
4. The present petition has been filed on the ground that the parties have arrived at a settlement dated 15th March, 2022 at Mediation Centre, Saket Courts, New Delhi. As per the settlement, it has been agreed that petitioner no. 1 will pay Rs.5,00,000/- towards the full and final settlement of the entire dispute. It has been stated that parties amicably resolved the disputes of their own free will and volition, without any pressure, coercion, undue influence or duress of any nature. Pursuant to the settlement, the parties have already obtained the decree of divorce passed u/s 13B(2) dated 1st July, 2022
5. The parties have appeared before this court and have duly been identified by the IO. The statement of respondent no. 2/complainant has been recorded separately wherein she has confirmed the terms of the settlement. She has further stated that she has already been paid Rs.3,00,000/-. Remaining Rs.2,00,000/- has been received by way of a Demand Draft bearing No.106609 dated 7th December, 2022 drawn on Canara Bank. She has also stated that she has no objection if the FIR No.160/2015 registered at PS Jaitpur under section 498A/406/34 IPC and all other proceedings emanating therefrom are quashed.

6. Even though an offence under section 498A of IPC is non-compoundable but it is well settled that the High Court while exercising powers under Section 482, Cr.P.C., can compound offences which are non-compoundable on the ground that there is a compromise between the accused and the complainant. Reliance may be placed on *B.S. Joshi and others v. State of Haryana and another* 2003 (4) SCC 675, *Gian Singh v. State of Punjab* (2012) 10 SCC 303 and *Yashpal Chaudhrani and Others vs. State (Govt. of NCT Delhi) and Another*, 2019 SCC OnLine Del 8179.
7. In *Narinder Singh & Ors. V. State of Punjab & Anr.* (2014) 6 SCC 466, the Apex Court has laid down parameters and guidelines for High Courts exercising jurisdiction under Section 482 for quashing proceedings on the ground of settlement. The Supreme Court has *inter alia* held that when the parties have reached the settlement and on that basis petition for quashing the criminal proceedings is filed, the guiding factor in such cases would be to secure: (i) ends of justice, or (ii) to prevent abuse of the process of any court. While exercising the power the High Court is to form an opinion on either of the aforesaid two objectives.

It was further *inter alia* held that the criminal cases having overwhelmingly and predominantly civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes should be quashed when the parties have resolved their entire disputes among themselves.

8. It is also a settled proposition that the High Court is to examine as to whether the possibility of conviction is remote and bleak and continuation of criminal cases would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal cases.
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.
11. Keeping in view the aforesaid principle and the nature of the dispute and the fact that the parties have amicably entered into a settlement, this Court feels that no useful purpose would be served by keeping the dispute alive and continuance of the proceedings would amount to an abuse of the process of Court. I am of the considered opinion that it is

a fit case where discretionary jurisdiction can be exercised and the proceedings are quashed.

12. Thus, keeping in mind the nature of the allegations, the settlement between the parties and the law laid down by the Supreme Court, the case FIR No.160/2015 registered at PS Jaitpur U/s 498A/406/34 IPC and all the proceedings emanating therefrom are quashed.
13. The present petition stands disposed of.

DINESH KUMAR SHARMA, J

DECEMBER 8, 2022/Pallavi

