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

+ **CRL.M.C. 6602/2022**

**SARABJEET SINGH @ SARVJEET SINGH @ HUNNY AND
OTHERS** Petitioner

Through: Mr. Vishal Soni, Adv.

versus

THE STATE (GOVT. OF NCT OF DELHI) AND ANR. Respondents

Through: Mr. Pradeep Gahalot, APP for the
State with WSI Pooja Yadav, PS
Khyala.

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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 under section 482 Cr. P.C. seeking quashing of FIR No.0934/2021 registered at P.S. Khayala U/s 498A/406/34 IPC.
2. Facts, in brief, are that petitioner no. 1 married Respondent no. 2/complainant on 14.02.2021 as per Hindu Rites and Customs at Delhi. The parties lived together till 22.02.2021 and no child was born

of this wedlock. Since February 2021, the parties have been living separately from each other on account of temperamental differences.

3. Learned Counsel for the petitioners 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 Memorandum of Understanding dated 10.02.2022. As per the terms of the settlement deed, it has been agreed between the parties that respondent no. 2/complainant shall be paid Rs. 5,50,000/- towards full and final settlement of the entire dispute.
4. Pursuant to the settlement, a mutual divorce petition was filed and decree of divorce was granted vide order dated 19th October, 2022 by the Principal Judge, Family Court, West, Tis Hazari Courts, Delhi.
5. 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.0934/2021 registered at P.S. Khayala U/s 498A/406/34 IPC.
6. 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. 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 482 Cr.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.

7. The Supreme Court and this Court have repeatedly quashed the criminal proceedings or complaints or FIRs, where the offender and victim have settled their dispute, especially in criminal cases having overwhelmingly and predominately civil favour. Reliance can be placed on *Gian Singh v. State of Punjab*, (2012) 10 SCC 303
8. In the case of *State of Maharashtra v. Vikram Anantrai Doshi*, (2014) 15SCC 29, the Apex Court has observed that the principal duty of the Courts while exercising powers under Section 482 Cr. P.C. 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. This Court in *Yashpal Chaudhrani and Others vs. State (Govt. of NCT Delhi) and Another*, 2019 SCC OnLine Del 8179 inter alia held that since the institution of marriage has an important role to play in the society, the court is to make every effort to encourage the parties to terminate such discord amicably

10. The petitioners and respondent no. 2 are present in court and have duly been identified by the IO. Statement of Respondent No.2/complainant namely Ms. Navjeet Kaur @ Simmi has been recorded separately wherein she has stated that she has already been paid Rs.4,20,000/-. Remaining amount is of Rs. 1,30,000 out of which Rs.1, 10,000/- has been received by way of a Demand Draft bearing No.009631 dated 8th December, 2022 drawn on HDFC Bank and the Rs. 20,000/- in cash. 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.0934/2021 registered at P.S. Khayala U/s 498A/406/34 IPC and all other proceedings emanating therefrom are quashed.
11. Taking into account the totality of facts and circumstances and the fact that the present FIR arises out of a matrimonial dispute, I am inclined to quash the proceedings. It is pertinent to mention that the apex court and this court have encouraged genuine settlement of marital disputes. 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.
12. In view of the aforesaid discussion and the statement of respondent no.2/complainant recorded separately, the case FIR No0934

registered at P.S. Khayala 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*

