

\$~64

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

+ **CRL.M.C. 6618/2022**

ANKIT & ORS.

..... Petitioners

Through: Mr.Zahid Hanief, Adv. with petitioner
in person.

versus

THE STATE NCT OF DELHI AND ANR.

..... Respondents

Through: Mr.Pradeep Gahalot, APP for the
State.

SI Sangeeta, PS Jahangir Puri

Mr.Sarfaraz Nabi, Adv. for R-2.
with respondent no.2 in person.

%

Date of Decision: 09.12.2022

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.0495/2018 registered at P.S.Jahangir Puri under Section 498A/406/34 IPC.
2. Statement of respondent no.2 has been recorded separately wherein she has stated that she has entered into a settlement with the petitioners. She has further stated that she was married to Ankit (petitioner no.1) on 27.07.2015. However, the marriage could not succeed and a mutual divorce petition was filed. The decree of divorce was granted vide

order dated 01.11.2022 by the learned Judge, Family Court (Central), Tis Hazari Courts, Delhi. She has stated that that during divorce proceedings, the parties have arrived at a settlement dated 24.12.2021 before the Delhi Mediation Centre, Tis Hazari Courts, Delhi and as per the settlement, this full and final settlement is without any claim/consideration towards past, present and future maintenance, permanent alimony and other receivables. However, petitioner no.1 had to pay litigation expenses of Rs.60,000/- and dowry articles i.e. TV, Bed, Almira, Cooler, utensils, gas stove, one gold ring, one murti, blanket and the other articles which is belonging to the complainant. She has stated that she has already received the full amount i.e. Rs.60,000/- and all the dowry articles and has no objection if FIR No.0495/2018 registered at P.S.Jahangirpuri under section 498A/406/34 IPC and all other proceedings emanating therefrom are quashed. Respondent No. 2 is duly identified by the IO.

3. It is a settled law that if the dispute it is a matrimonial dispute and if the court is satisfied that the parties have resolved the same amicably and without any pressure then for the purpose of securing the ends of justice it is preferred to exercise the power of quashing of FIR, complaint, or the subsequent criminal proceedings. Reliance may be placed upon ***B.S. Joshi v. State of Haryana***, (2003) 4 SCC 675, ***K. Srinivas Rao v. D.A. Deepa***, (2013) 5 SCC 226 & ***Yashpal Chaudhrani and Others vs. State (Govt. of NCT Delhi) and Another***, 2019 SCC OnLine Del 8179.
4. It is also imperative to mention that the power under Section 482 should be exercised sparingly and with circumspection only when the

Court is convinced, on the basis of material on record, that allowing the proceedings to continue would be an abuse of process of court or that the ends of justice require that the proceedings ought to be quashed.

5. I consider that there would be no purpose of continuing with the trial as the parties have reached on a settlement and have decided to give quietus to the proceedings.
6. In view of the statement made by respondent no.2, FIR No.0495/2018 registered at P.S.Jahangirpuri under section 498A/406/34 IPC and all other proceedings emanating therefrom are quashed.
7. Petition stands disposed of.

DINESH KUMAR SHARMA, J

DECEMBER 9, 2022

rb

सत्यमेव जयते