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

+ **CRL.M.C. 6869/2022**

MOHD UNUS AND ORS

..... Petitioners

Through: Mr. B.K. Sharma with Mr. R.K.
Gupta, Advocates.

versus

THE STATE AND ANR

..... Respondents

Through: Mr. Hitesh Vali, APP for the State
with SI Mahesh, PS Alipur.

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Date of Decision: 16th 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.26613/2022 (exemption)

Exemptions allowed subject to all just exceptions.

CRL.M.C. 6869/2022

1. Present petition has been filed for quashing of FIR No.540/2015 registered at Police Station Alipur under Sections 498A/406 IPC. The FIR was lodged on the statement of the complainant Afsana. The allegations

made in the FIR were regarding the demand for the dowry as well as the mental and physical cruelty inflicted upon the complainant. Allegations were also made against the male members of the family for making sexual advances. After lodging the FIR, the husband of respondent No.2/complainant expired on 27.06.2016.

2. Learned Counsel for the petitioners submits that with the intervention of common friends, well-wishers and respectable persons of the locality, the petitioners and respondent no.2 have amicably settled and compromised all the disputes between them in respect of FIR under reference. A Memorandum of Understanding/agreement between respondent No.2/complainant and her father-in-law, i.e., the father of her husband has been entered into. It has been agreed between the parties that respondent no.2/complainant shall be paid Rs.1,50,000/- towards her all legal entitlements part, present and future arising out of the Nikah which shall include permanent alimony, istridhan, maintenance and all other miscellaneous and legal expenses. The settlement agreement records that both parties have entered into the settlement voluntarily without any fear, force or coercion.

3. Furthermore, the Learned Counsel for the petitioners submits that since no dispute is left between the parties and no purpose would be served by continuing with the trial of the FIR and therefore, the present FIR may be quashed.

4. Respondent no. 2/complainant is present in the court and has duly been identified by the IO. She states that after the death of her husband, she

has been residing with her mother and pursuant to the settlement she has received the entire amount of Rs.1,50,000/-. She states that she has no objection if FIR no.540/2015 and proceedings emanating therefrom are quashed.

5. In view of my interaction with respondent no. 2/complainant, I consider that she has voluntarily entered into a settlement. There does not seem to be any force, fear or coercion at play.

6. 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. Ordinarily, FIRs such as in the present case should not be quashed. However, it was observed by the Supreme Court in *Gian Singh v. State of Punjab*, (2012) 10 SCC 303, 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.

7. 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.

8. Taking into account the totality of facts and circumstances, the case FIR No.540/2015 under Sections 498A/406 IPC registered at Police Station Alipur and all the proceedings emanating therefrom are quashed.
9. The present petition stands disposed of.

DINESH KUMAR SHARMA, J

DECEMBER 16, 2022
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