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

+ **CRL.M.C. 60/2023**

SH. NITIN SHARMA & ANR.

..... Petitioners

Through: **Mr. R.P. Singh, Advocate with
petitioners in person**

versus

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

Through: **Mr. Satinder Singh Baba, APP for the
State**

**Ms. Rajni Sharma, Advocate for
respondent No.2 with respondent
No.2 in person.**

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Date of Decision: 06th January, 2023

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

CRL.M.A. 219/2023 (exemption)

Exemption allowed subject to all just exceptions.

CRL.M.C. 60/2023

1. This is a petition for quashing of FIR No.0460/2018 under Sections 498A/406/34 IPC registered at Police Station Nihal Vihar.

2. Learned counsel for the petitioners submits that the parties got married on 09.12.2016 whereas due to some temperamental differences could not live together. The matter has been amicably settled vide Settlement Agreement dated 18.07.2019. It has been submitted that as per the Settlement Agreement, the petitioners have returned the dowry articles and jewellery to the respondent No.2. It has further been submitted that payment in the sum of Rs.4 lakhs has also been made to the respondent No.2. Learned counsel for the petitioners submits that pursuant to the agreement, the decree of divorce has also been granted.

3. The respondent No.2 is present in person. The Investigating Officer, who is present in Court, has duly identified the respondent No.2. The respondent No.2 states that she has entered into the settlement amicably without any fear, force and coercion with the petitioners.

4. I have gone through the Settlement Agreement dated 18.07.2019. The Settlement Agreement reveals that the parties have reached at a settlement as they could not live together on account of some temperamental differences. No child was born out of the wedlock.

5. The High Court is the highest court of the State and is conferred with the power of control and superintendence over all courts subordinate to it. Besides Articles 226 and 227, Section 482 Cr.P.C. also acknowledges the inherent power of the high court to secure the ends of justice. In cases where the offences are not compoundable in nature, the parties on account of an amicable settlement invoke the inherent power under Section 482 Cr.P.C.

for quashing the proceedings on the plea that continuance thereof would merely be an abuse of process of law.

6. Further It has also been repeatedly held that the cases arising out of matrimonial differences should be put to a quietus if the parties have reached on an amicable settlement. 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.

7. 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. It was a matrimonial dispute which has been amicably settled.

8. Taking into account the totality of facts and circumstances, the case FIR No.0460/2018 under Sections 498A/406/34 IPC registered at Police Station Nihal Vihar and all the proceedings emanating therefrom are quashed.

9. The present petition stands disposed of.

DINESH KUMAR SHARMA, J

JANUARY 06, 2023
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