

\$~74

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

+ CRL.M.C. 250/2023

RAJU RIYAZUDDIN AND ORS

..... Petitioners

Through: Mohammad Farhat Qadeeri,
Advocate.

versus

THE STATE AND ANR

..... Respondents

Through: Mr. Satinder Singh Bawa, APP for
the State with SI Ajay, Neb Sarai.
Respondent No.2 in person.

%

Date of Decision: 16th January, 2023

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 for quashing FIR No.0273/2017, registered at Police Station Neb Sarai under Sections 498A/406/34 IPC. The FIR was lodged on the statement of respondent No. 2./complainant against the petitioners.

2. Respondent No.2 is present in person and is identified by the Investigating Officer.

3. Learned counsel for the petitioners and respondent No.2 state that both the parties have entered into the settlement at Mediation Centre, Saket Courts, New Delhi.

CRL.M.C. 250/2023

Page 1 of 4

4. The Settlement Agreement dated 16.11.2022 at the Mediation Centre is reproduced herein below:-

“1. It is stated by both the parties that both the parties have already taken divorce two years back

2. It is agreed between the parties that second party/husband shall pay total amount of Rs 5,00,000/- (Rupees five lakh only) to the first party/wife in two installments, towards full and final settlement of all her claims including maintenance (past, present and future), permanent alimony, stridhan etc.

3. It is agreed between the parties that the complainant/wife shall withdraw the above-mentioned connected matter complaint case No. 321/22, u/s 12 of DV Act from court concerned on 01.12.2022 and out of the above-mentioned settled amount of Rs. 5,00,000/-, sum of Rs. 2,50,000/- shall be paid by the accused No.2 on behalf of accused no.1 to the complainant by way of DD.

4. Thereafter, the present FIR No. : 273/2017, registered at P.S. Neb Sarai, New Delhi against the accused persons on the complaint of complainant, for which parties shall move for quashing before the concerned Hon'ble High Court by 31.01.2023. The complainant shall cooperate in the proceedings of the quashing of the present FIR and further, the balance amount of Rs. 2,50,000/- shall be paid by the accused no.2 on behalf of accused no. 1 to the complainant in the name of complainant, by way of DD at the time of quashing of present FIR

5. It is also agreed by the parties that in pursuance to this settlement, they will not file any civil/criminal case with

regard to their respective movable or immovable property/properties, whatsoever.

6. *It is also agreed between the parties that pursuant to the settlement reached between the parties, all the matters which are pending between the parties before any court/forum/PS/any authority of law shall be deemed to have been settled post signing of this settlement.*

This settlement has been voluntarily arrived at between the parties with their own free will and without any force, pressure or coercion and both the parties are bound by the terms and conditions mentioned herein above.”

5. I have interacted with the parties.

6. Respondent No.2 states that she has entered into the settlement voluntarily without any fear, force or coercion. In pursuance to the settlement, the respondent No.2 has already received a sum of Rs.2.5 lakhs. Remaining sum of Rs.2.5 lakhs has been paid to the respondent No.2 now by way of a Demand Draft bearing No.401690 dated 05.01.2023 drawn on Punjab National Bank. The same has been accepted.

7. It has repeatedly been held by the Apex Court that in the matrimonial disputes, if the parties have settled the disputes between themselves, Court should encourage the same. Reliance may be placed on the case of *Yashpal Chaudhrani and Others vs. State (Govt. of NCT Delhi) and Another*, 2019 SCC Online Del 8179. it can be stated that it is the duty of the courts to encourage genuine settlements of matrimonial disputes, particularly when the same are on considerable increase. Even if the offences are non-compoundable, if they relate to matrimonial disputes and the Court is

satisfied that the parties have settled the same amicably and without any pressure, for the purpose of securing ends of justice, Section 320 of the Code would not be a bar to the exercise of power of quashing of FIR, complaint or the subsequent criminal proceedings.

8. In the present case, the petitioner No.1 and the respondent No.2 have been residing separately since long. The divorce has taken place between them. There is no child born out of the wedlock. I consider that the parties have entered into the settlement voluntarily without any fear, force and coercion therefore, there would be no purpose of continuing with the trial.

9. Taking into account the totality of facts and circumstances, the case FIR No.0273/2017, registered at Police Station Neb Sarai under Sections 498A/406/34 IPC and all the proceedings emanating therefrom are quashed.

10. The present petition stands disposed of.

DINESH KUMAR SHARMA, J

JANUARY 16, 2023
st