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

+ **CRL.M.C. 588/2023**

RAHUL AND ORS

..... Petitioners

Through: Mr. Sikandar Khan, Adv. with
petitioners.

versus

STATE OF NCT OF DELHI AND ANR

..... Respondents

Through: Mr. Digam Singh Dagar, APP for
State and Insp. Shrichand, PS
Timarpur.
Mr. Rajesh Kumar Jha, Adv. for R-2.

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Date of Decision: 25.05.2023.

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 for quashing of FIR No. 30/2017 registered at PS Timarpur, under sections 498A/406/34 IPC.
2. Briefly stated facts of the case are that marriage between the Petitioner No.1 and Respondent No.2 was solemnized on 15.12.2014 according to Hindu rites and ceremonies. Due to grave differences and temperamental issues the parties started living separately since 20.06.2016. These differences gave rise to the present FIR which was lodged on the statement of respondent No.2. There is no child born out of this wedlock.

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3. It is however submitted that subsequently both the parties entered into an amicable settlement vide settlement dated 21.11.2022.

4. The terms of the Settlement deed dated 21.11.2022 are as follows :

“We have compromised the matter amicably out of the court. Both the parties have agreed to settle all their disputes for a sum of Rs. 2,50,000/- (Rs. Two Lakhs Fifty Thousand only). It is further stated by the parties that no child was born out of the said wedlock. It is agreed between the parties that JD(husband) shall pay a sum of Rs. 1,00,000/- (Rs. One Lakhs only) at the time of withdrawal of the present execution petition and amount of Rs. 50,000/- (Rs. Fifty Thousand Only) shall be paid by the JD (husband) at the time of withdrawal of case bearing no. 30/18 pending before the court of Ms. Ritika Jain, Ld. MM. It is further agreed between the parties that JD (husband) shall pay amount of Rs. 1,00,000/- (Rs. One Lakhs only) to the DH (wife) at the time of quashing of FIR bearing no. 30/2017 PS Timar Pur. Both the parties have agreed that DH will withdraw the present execution petition on 10.12.2022, and will withdraw the execution petition pending before the court of Ld. MM on 20.12.2022. It is further agreed between the parties that within one week of opening of Courts in year, 2023, JD (husband) will move for quashing of the FIR before the Hon’ble High Court. After making the entire payment both the parties will not raise any claim and dispute against each other. It is submitted by parties that they will be bound by their present statement.”

5. It is pertinent to mention here that Petitioner no.3 died during the



pendency of the petitioner.

6. It is further submitted that the Decree of divorce has already been granted vide order dated 07.09.2019.

7. It is submitted that as per the settlement the petitioner agreed to pay Rs. 2,50,000/- (Rupees Two Lac Fifty Thousand Only) to Respondent No.2. It is further submitted that out of the settled amount Rs. 1,50,000/- has already been paid and the remaining amount of Rs. 1,00,000/- has been paid today in the court by way of DD Bearing no. 675576 in the name of Ratna dated 12.05.2023 drawn on Punjab National Bank.

8. The 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 the present FIR No. 30/2017 registered at PS Timarpur, under sections 498A/406/34 IPC and all the proceedings emanating therefrom.

9. Respondent No.2 states that she entered into the settlement voluntarily out of her own free will without any fear, threat or coercion.

10. IO has duly identified.

11. 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. Supreme Court and this Court have repeatedly held that the cases arising out of matrimonial differences should be put to a quietus if the parties have reached 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.

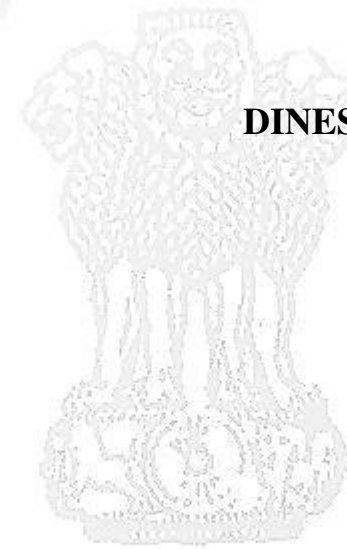
12. I consider that there would be no purpose of continuing with the proceedings. It was a matrimonial dispute which has been amicably settled.

13. In view of the submissions made, the present FIR No. 30/2017 registered at PS Timarpur, under sections 498A/406/34 IPC alongwith all the other proceedings emanating therefrom is quashed.

14. The present petition stand disposed of.

DINESH KUMAR SHARMA, J

MAY 25, 2023/AR



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