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

+ **CRL.M.C. 856/2023**

PARMEET SINGH AND OTHERS

..... Petitioners

Through: Appearance not given.

versus

STATE THROUGH DELHI ADMN

..... Respondent

Through: Mr. Hemant Mehla, APP for State
with Mr. Dipanshu Meena, Advocate
with W/SI Manju Yadav, PS Tilak
Nagar.

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Date of Decision: 25.04.2023.

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 FIR no. 035/2018 registered under Section 498A/406/34 IPC at P.S. Tilak Nagar.
2. Learned Counsel for the petitioner submits that Respondent no.2/complainant married petitioner no.1 on 28.11.2010 in accordance with the Hindu Rites and Ceremonies. However, on account of temperamental differences and mental incompatibility, the parties started living separately since 07.01.2017 and instituted multiple litigations against each other and their respective families including the present FIR.

CRL.M.C. 856/2023

Page 1 of 4

3. Learned Counsel further submits that during the pendency of the proceedings, the parties have resolved their disputes amicably and in furtherance thereof they have entered into a settlement agreement dated 28.09.2022. As per the settlement it has been agreed between the parties that the petitioner shall pay Rs. 21,25,000/- in full and final settlement of the entire dispute to respondent no. 2/complainant.

4. Pursuant to the settlement, a mutual divorce petition was also filed and a decree of divorce was granted vide order dated 02.03.2023 passed by Learned Principal Judge Family Court Tis Hazari, Delhi.

5. Furthermore, the Learned Counsel for the petitioners submits that since the parties have resolved all their differences amicably, therefore, it would be in the interest of justice to quash FIR no. 035/2018 registered under Section 498A/406/34 IPC at P.S. Tilak Nagar and all the proceedings emanating therefrom.

6. 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.

7. Both parties are present in court and have duly been identified by the IO. Respondent no. 2 submits that she has entered the settlement voluntarily without any fear, force or coercion. She submits that other petitions have already been withdrawn or dismissed. And since the marriage between the parties has also been dissolved by a decree of divorce by mutual consent order/judgment dated 02.03.2023, she has no objection if FIR no. 035/2018 registered under Section 498A/406/34 IPC at P.S. Tilak Nagar and all the proceedings emanating therefrom.

8. I have gone through the settlement which has been placed on record. The settlement agreement provides for the following terms and conditions:

*“4. We have amicably resolved all our disputes pertaining to this marriage including stridhan, permanent alimony, dowry articles and maintenance (past, present & future) of petitioner no.1/wife for a total sum of Rs.21,25,000/- in terms of the settlement arrived between us outside the court vide MoU dated 28.09.2022, copy of which is Mark-A. Out of the aforesaid settled amount a sum of Rs. 5,00,000/- has been paid today vide demand draft bearing no.502414 dated 28.11.2022 drawn on ICICI Bank, Vikas Puri, Delhi. The remaining amount of Rs. 16,25,000/- ie Rs.7,00,000/- in the name of child Gurleen Kaur and Rs.9,25,000/- shall be paid to petitioner no.1/wife at the time of recording of the statement in second motion. I, **Petitioner no.1** & I, **Petitioner no.2**, our affidavits regarding right of both the children as per Judgment of Hon'ble High Court in case titled as "**Rakesh Jain & Ors. Vs. Sarita Gupta, Cri.Misc., No. 2935/2019**, bearing our signatures annexed with the petition are **Ex.P-X** and **Ex.P-Y** respectively. Petitioner no.1 shall hand over over the gold items at the time of second motion and shall also hand over the furniture and TV an kitchen utensils before the second motion. After above payments, nothing remains due against petitioner no.1. It is also agreed that the pending litigations, if any shall be withdrawn by both the parties before the second motion.*

5. We both state that our consent to this petition has not been obtained by coercion, fraud, pressure or undue influence and we have given the consent to this petition voluntarily. We have also agreed that we will not initiate any litigation or will not raise any claim in future against each other and the family members and relatives of each other. The present petition has not been filed by us in collusion with each other. We both undertake to abide by the terms and conditions as mentioned in the petition filed by us.

6. We say that no part of statement is false in any respect nor we have concealed any material fact. We understand the consequences of making false statement or concealing of material facts. No claim/dispute of any kind is left between us. We pray that our petition may be allowed and accepted and our marriage be dissolved by mutual consent.”

9. Taking into account the totality of facts and circumstances of the case, this court considers that the parties have entered into an amicable settlement out of their own free will, without any fear, force or coercion and they should be given an opportunity to lead their lives peacefully. No purpose will be served in continuing with the trial. In view of the above, FIR no. 035/2018 registered under Section 498A/406/34 IPC at P.S. Tilak Nagar and all the other proceedings emanating therefrom are quashed.

10. The present petition along with all the pending applications stands disposed of.

DINESH KUMAR SHARMA, J

APRIL 25, 2023/AR