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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CRL.M.C. 1068/2022

SOUMYA GHOSH & ORS.

..... Petitioners

Through: Mr. Aashish K. Singh and Mr.
Shubham Pahuja, Advs.

Petitioners through VC

versus

THE STATE NCT OF DELHI & ANR.

..... Respondents

Through: Mr. Amit Sahni, APP for the State
with SI Kavita PS Mayur Vihar.

R-2 through VC

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*Date of Decision: 14th March, 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 under Section 482 Cr. P.C. seeking quashing of FIR No. 377/2016 registered at PS Mayur Vihar under Sections 498A/406/34 IPC.
2. Briefly stated facts of the case are that parties got married on



27.06.2010. There is no child born out of this wedlock. That due to some temperamental differences, matrimonial disputes arose between the parties, and they are living separately since June 2015. Thereafter the present FIR got registered on the statement of Respondent No.2 against the petitioners. During the pendency of the litigation, the matter was referred to the mediation where the matter was amicably settled between the Petitioners and Respondent No.2.

3. Petitioners and respondent No.2 are appearing through VC. Respondent No.2 states that in terms of the settlement, the decree of divorce by way of mutual consent has been granted in M.J. Petition A No. 6 of 2019 by the Family Court (1st Court) at Thane titled as ***Suvra Mallick Vs. Soumya Ghosh S/o Kanchan Kumar Ghosh*** under Section 13-B of the Hindu Marriage Act, 1955. The same has also been placed on record.
4. Respondent No. 2 also states that she has received a draft bearing DD No. 224175 for the sum of Rs. 6,00,000/- dated 24.11.2021 drawn on UCO Bank in terms of the settlement. The copy of the same is also on record.
5. The parties have also placed the settlement deed dated 28.03.2022 on record. The terms and conditions of the said settlement deed are as under:

“1. That the both the parties will withdraw the all the allegations made against each other in following proceedings.

2. That the parties have married each other on 27.06.2010 at



Bhubaneswar, Odisha as per Hindu Rites and no issue was born out of the said wedlock.

3. Beside the present case of divorce by Mutual Consent second party has also filed one criminal case U/s 498A, 406 R/W 34 I.P.C against all the three first party that said case bearing No. 2217/2019 in the name of State Vs Soumya Ghosh which is pending before the Metropolitan Magistrate, East Delhi, KKD Courts.

4. That the First Party will be paying a sum of Rs. 6,00,000/- Rupees Six Lakhs as one time settlement and Final settlement amount to the Second Party against all her claims towards the first party.

5. That the amount is deposited before Family Court Thane in the name of Hon'ble Principal Judge Thane in the form Demand Draft bearing No.224175 dated 24.11.2021 drawn at U.C.O Bank, Caria Branch from the account of petitioner No.3 Smt. Minati Ghosh and the same will be given to the Second Party by Hon'ble Principal Judge at the time of passing the decree of divorce by mutual consent.

6. Parties have already exchanged all their belongings, and no one is having any rivals claims against each other and there is no joint property earned by first party and second party after marriage.

7. That the both the parties will not file any civil or criminal



cases against each other based on past events in present or future.

8. Both the parties shall not have any claims against each other's movable and immovable properties in future.

9. Both the parties shall not interfere in each other's personal life and have any future claims whatsoever, against each other, ever."

6. It is submitted that since the parties have settled the matter and the decree of divorce has already been granted and that the terms and conditions of the settlement deed have already been complied with therefore the FIR may be quashed.
7. IO has duly identified the petitioners and respondent No.2. Both the parties have stated they have settled the matter amicably without any fear, force or coercion.
8. It has been time and again held by Hon'ble the Supreme court and this court that the courts should encourage the settlement in matrimonial disputes. If the parties have reached on a mutual settlement, the same should accepted if it has been arrived voluntarily without any fear, force or coercion.
9. Hon'ble Supreme Court in ***B.S. Joshi v. State of Haryana***, (2003) 4 SCC 675 and this court in ***Yashpal Chaudhrani and Others vs. State (Govt. of NCT Delhi) and Another***; 2019 SCC OnLine Del 8179 have repeatedly held that the court should encourage the settlement of matrimonial dispute through amicable settlement.



10.I have gone through Settlement Deed. This court considers that the parties have entered into an amicable settlement at their own free will, without any fear, force or coercion and they should be given an opportunity to lead their lives peacefully. There would be no purpose of continuing with the trial.

11.In view of above, the case FIR No. 377/2016 registered at PS Mayur Vihar under Sections 498A/406/34 IPC and all the proceedings emanating therefrom are quashed.

12.The present petition stands disposed of.

DINESH KUMAR SHARMA, J

MARCH 14, 2023

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