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

+ CRL.M.C. 2724/2023

DIVANSHU GAUBA AND ORS. Petitioners

Through: Mr.Mohit Gulati, Adv. with
petitioners in person.

versus

STATE OF NCT OF DELHI AND ANR. Respondent

Through: Mr.Digam Singh Dagar, APP for the
State.

Mr.Rohit K.Naagpal, Mr.Dipanshu
Gaba and Mr.Anmol Upadhyay,
advts. for R-2 with R-2 in person.
ASI Usha Mehlawat, PS Janakpuri

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Date of Decision: 09.08.2023

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 seeking quashing of FIR No.81 dated 17.03.2021 registered under Section 498A/354/377/506/34 IPC at PS Janakpuri and all the proceedings arising therefrom.
2. Learned Counsel for the petitioner submits that Respondent no.2/complainant married petitioner no.1 on 30.11.2019 in accordance with the Hindu Rites and Ceremonies. No child was born out of the

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wedlock. However, on account of temperamental differences and mental incompatibility, the parties started living separately since 08.04.2020 and instituted multiple litigations against each other and their respective families including the present FIR.

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 Joint Statement dated 15.02.2023 before the Delhi High Court Mediation and Conciliation Centre.
4. As per the settlement it has been agreed between the parties that the petitioner shall pay Rs. 2 Lakh in full and final settlement of the entire dispute to respondent no. 2/complainant.
5. Pursuant to the settlement, a mutual divorce petition was also filed and a decree of divorce was granted vide order dated 15.02.2023 passed by Learned Principal Judge, Family Court.
6. 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. 81 dated 17.03.2021 registered under Section 498A/354/377/506/34 IPC at P.S. Janakpuri and all the proceedings emanating therefrom.
7. 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.

8. 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 19.04.2023, Respondent no. 2 has no objection if FIR no. 81 dated 17.03.2021 registered under Section 498A/354/377/506/34 IPC at PS Janakpuri and all the proceedings emanating therefrom.
9. Learned counsels for the parties submit that they have entered into a settlement. Both the parties made statement on oath on 15.02.2023.
10. The parties have made the following joint statement on oath before the Principal Judge, Family Court:

“Stated that we were married on 30. 11 .20 19 according to Hindu rites and ceremonies at Delhi. No child was born from this wedlock. Due to temperamental differences, we could not adjust with each other and now we have decided that our marriage be got dissolved. We have already settled all the issues between us as mentioned in the petition. I (petitioner-



wife) have been compensated with an amount of Rs. 2 Lakhs as permanent alimony out of which an amount of Rs. 1 Lakh has been paid to me (petitioner-wife) today through RTGS. Remaining amount shall be paid to me (petitioner-wife) at the time of recording statement of second motion. We have exchanged our belongings and ornaments etc. We shall withdraw all the litigations pending between us. We shall not file any litigation against each other regarding our matrimonial dispute. We shall not resile from our statement made in the court today. We thus, pray that a decree of divorce be granted.”

11. 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.
12. In view of the above, FIR no. 81 dated 17.03.2021 registered under Section 498A/354/377/506/34 IPC at P.S. Janakpuri and all the proceedings emanating therefrom are quashed.
13. The present petition stands disposed of.

DINESH KUMAR SHARMA, J

AUGUST 9, 2023

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