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

+ **W.P.(CRL) 1145/2023**

VISHAL CHAUTALA & ORS.

..... Petitioners

Through: Mr.Amit Sharma and Mr.Khurshid Anwar,
Advocates with petitioners in person.

versus

THE STATE & ANR.

..... Respondents

Through: Mr.Rahul Tyagi, ASC (CrI.) with
Mr.Sudeep Raj Saini, Mr.Jatin and
Mr.Aashish Chojar, Advocates

Respondent no.2 in person.

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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. This is a petition for quashing of case FIR No. 0560/2021 dated 24.12.2021 registered under Section 406/498A/506/34 IPC at PS Kalandi Kunj, South-East Delhi. The said FIR was lodged at the complaint of the respondent No.2/wife.
2. Facts in brief are that the marriage between petitioner No. 1 and respondent no. 2/complainant was solemnized on 10.12.2019 as per Hindu rites and customs. No child was born out of the wedlock. However, owing to temperamental differences the parties started

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living separately from 02.12.2020. Thereafter, respondent no. 2/complainant got registered the present FIR against the petitioners. It is submitted that the Chargesheet has yet not been filed.

3. Ld. Counsel submits that while the proceedings were underway, with the intervention of well-wishers and family members, the parties arrived at an amicable settlement on 03.11.2022 before the Delhi Mediation Centre, Saket Courts on the following terms and conditions:

“1. Parties ie Ms. Aanchal and Vishal Choutala have started residing together since 06.10.2022.

2. Sh Vishal Choutala has assured Ms. Aanchal that he will take care of all her comforts and necessities and provide her expenses as may be required to meet her personal requirements.

3. It has been agreed between the parties that the cases pending before ie Case No. 1718/21, DV Act, referral court of Ms. Tarunpreet Kaur Ld.MM and MT No. 315/2021, 125 Cr.PC, pending in the court of Ms, Smita Garg shall be withdrawn by the complainant on their respective dates fixed before the court.

4. The complainant Ms. Aanchal shall co-operate in every way for any application/petition being filed before Hon'ble High Court or any other authority, for the quashing of the FIR No. 560/21, PS Kalindi Kunj u/s 498A/506/34 IPC or statements required to be given before the Investigating officer for the closure of the investigation in the said case.”

4. It has been submitted that besides the present FIR, various litigations

emerged between the parties including a maintenance petition and a complaint u/s 12 of DV Act, which have been withdrawn pursuant to the above settlement between the parties.

5. It has been submitted that in terms of the above settlement, the parties no longer have any grievance remaining against each other and are residing together happily with each other as husband and wife. Ld. Counsel submits that since parties have amicably settled all their disputes and are residing happily together as husband and wife, no useful purpose would be served in continuing with the present complaint.
6. The parties are present in person and have been duly identified by the IO. Respondent No.2/complainant states she has resolved all her disputes with the petitioners and has no grievance against the petitioners. She states that she is happily residing with the petitioner since 06.10.2022. She states that she no longer wishes to pursue the present complaint and has no objection if the same is quashed. Both the parties have stated that they have entered into the settlement voluntarily without any fear, force or coercion.
7. I have considered the submissions. The parties have amicably resolved all their differences and are residing together as husband and wife since 06.10.2022. The complainant/ respondent No.2 does not wish to pursue the present FIR. The chances of conviction would be bleak and remote, given that the complainant does not wish to pursue the present complaint on account of the amicable settlement. In such circumstances continuance of the present FIR would serve no useful purpose and may cause prejudice to the petitioner and be an exercise in futility. I do not

see any reason to reject the compromise. This court considers that it is better to put a quietus to the dispute in matrimonial matters where the wrong is basically private or personal in nature and the parties have amicably resolved their entire dispute. The Supreme Court and this Court have time and again held that cases arising out of matrimonial differences should be put to quietus if the parties have arrived upon a genuine settlement. Reliance can be placed on *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. Considering the totality of facts and circumstances of the case and in view of the submissions of respondent no.2/ complainant, the case FIR No. 0560/2021 dated 24.12.2021 registered under Section 406/498A/506/34 IPC at PS Kalandi Kunj, South-East Delhi and all proceedings emanating therefrom are quashed.
9. Accordingly, the present petition stands disposed of.

DINESH KUMAR SHARMA, J

APRIL 25, 2023

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