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

+ **CRL.M.C. 2969/2023**

MANOJ KUMAR

..... Petitioner

Through: Mr. Rajesh Kumar Singh and Mr.
Rohit Mahajan, Advocates.

versus

GOVT. OF NCT OF DELHI

..... Respondent

Through: Mr. Digam Singh Dagar, APP for
State with ASI Jagdish Prasad, PS J.P.
Kalan, New Delhi.
Mr. Rajesh Kumar, Advocate for R-2.

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Date of Decision: 27.04.2023.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

CRL.M.A. 11145/2023

Exemption allowed subject to just exceptions.

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1. The present petition filed seeking quashing of case FIR No.156/2021 under Section 498A/406/34 of IPC registered at PS Jaffarpur. Briefly stated facts of the case are that the parties got married on 03.11.2014. There is one girl child born out of this wedlock on 25.08.2015. It is submitted the present FIR was a result of temperamental differences.

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2. Learned counsel for the petitioner submits that however, now the parties are living happily with each other since 08.11.2022 and the settlement deed dated 10.03.2023 has also been placed on record.

3. The terms of the settlement deed are as under:

"1. Agreed between the parties that the parties have been living together at flat no. 51, 1st floor, Rohini Sector-22, New Delhi-110086, w. e. f. 09/09/2022 along with their daughter Krite aged 7 1/2, years.

2. Agreed between the parties that the respondent/husband shall bear all the household expenses including the expenses of the wife and the daughter.

3. Agreed between the parties that the wife i petitioner shall withdraw her case of domestic violence and Divorce pending at district and Family court Dwarka do lies of this settlement/ agreement.

4. It is also agreed between the parties that the parties shall approach the Hon'ble High Court of Delhi for quashing the matter U/S 4984/406134 IPC bearing FIR no. 156121 after one month of happily living together."

4. Respondent states that she is making the statement voluntarily.

5. IO has duly verified both the parties.

6. It has repeatedly been held by the Apex Court that in the matrimonial disputes, if the parties have settled the matter between themselves amicably, it is the duty of Courts to encourage the same. Reliance can be placed on **B.S. Joshi v. State of Haryana**, (2003) 4 SCC 675; **Yashpal Chaudhrani and Others vs. State (Govt. of NCT Delhi) and Another**; 2019 SCC OnLine Del 8179.

7. I consider that there would be no purpose of continuing with the trial as the parties have entered into the settlement voluntarily without any fear, force and coercion, and have decided to give quietus to the proceedings. It

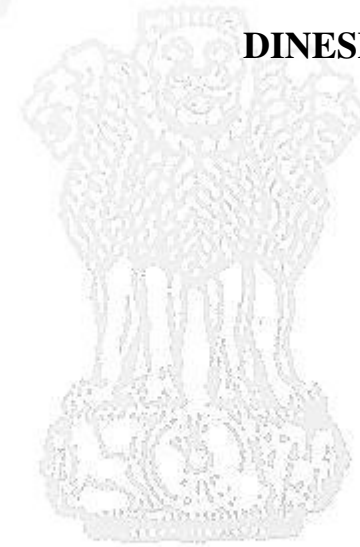
was a matrimonial dispute which has been amicably settled and thus the parties must be given a chance to live together peacefully.

8. In view of the submissions made above, the case FIR No.156/2021 under Section 498A/406/34 of IPC registered at PS Jaffarpur and all the consequent proceedings arising therefrom are quashed.

9. In view of the above, the present petition is disposed of.

DINESH KUMAR SHARMA, J

APRIL 27, 2023/AR



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