



\$~50, 69, 70 & 79

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

+ CRL.M.C. 2988/2023, CRL.M.A. 11217/2023
PREETI KAUSHIK & ORS. Petitioners
versus
STATE GOVT. OF NCT OF DELHI & ANR. Respondents

69
+ CRL.M.C. 1814/2022, CRL.M.A. 7693/2022 STAY
RITESH KUMAR & ANR. Petitioners
versus
STATE OF NCT DELHI & ANR. Respondents

70
+ CRL.M.C. 1864/2022, CRL.M.A. 7914/2022
RITESH KUMAR & ORS. Petitioner
versus
STATE OF NCT DELHI & ANR. Respondents

79
+ CRL.M.C. 3025/2023 & CRL.M.A. 11384/2023
ABHISHEK KAUSHIK Petitioner
versus
STATE, GOVT. OF NOT OF DELHI & ANR. Respondents

Present: Mr.Gaurav Gaur, Mr.Vivek Gaur and Mr.Vinesh Yadav,
advocates for the petitioners in item 69 and 70 along with
petitioners no.1 to 4 and for respondent in item no.50.
Mr.Pankaj Kapoor, Advocate for the petitioner in item 50 and
item 79.
Mr.Hemant Mehla, APP for the state with Mr.Dipanshu Meena,
Advocate
SI Rohit Mor, PS Rani Bagh.



SI Pradeep, PS Mukherjee Nagar
SI Deepak Kumar, PS Sabzi Mandi in case FIR No.244/2017,
item 79.
SI Rohit, PS Rani Bagh in item no.69.
SI Pardeep, PS Mukherjee Nagar in item 50 & 70.

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Date of Decision: 01.05.2023

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

1. Present petitions have been filed seeking quashing of the following FIR's:
 1. FIR No.561/2016 registered u/s 307/389/506/384/379/120B/34 IPC at PS Mukherjee Nagar in CRL.M.C. 2988/2023.
 2. FIR No.357/2016 registered u/s 354(D)/509/34 IPC at PS Rani Bagh in CRL.M.C. 1814/2022
 3. FIR No.761/2014 registered u/s 498A/406/354/354A/307/506/509/34 IPC at PS Mukherjee Nagar in CRL.M.C. 1864/2022
 4. FIR No.244/2017 registered u/s 323/341/506 IPC at PS Subzi Mandi in Crl.M.C.3025/2023.
2. Learned counsel submits that initially Crl.M.C.3025/2023 was assigned to the court of HMJ Rajneesh Bhatnagar. However, the same has been received by way of transfer at the directions of Hon'ble the Chief Justice. Learned counsel submits that all the above mentioned FIR's arose out of the matrimonial disputes between parties namely Ritesh Kumar (husband) and Preeti Kaushik (wife). It has been submitted



Ritesh Kumar and Preeti Kaushik were married on 09.02.2014 according to Hindu Rites and customs at Delhi. No child was born out of the wedlock. However, due to matrimonial discord and temperamental differences various litigations and complaints erupted between the parties. However, it has been submitted that now the parties have amicably settled all their disputes vide settlement deed dated 24.10.2019 before the Mediation Centre, Rohini Courts, Delhi on the following terms and conditions:

“1) It is agreed that the wife and the husband shall dissolve their marriage by decree of divorce by mutual consent in accordance with law without levelling allegations and counter-allegations against each other.

2) It is agreed that the wife shall not claim any legal entitlement past, present and future arising out of the marriage with husband including permanent alimony, istridhan, maintenance, and all other miscellaneous and legal expenses from the husband.

3) It is agreed that the wife and the husband shall initiate appropriate legal proceedings for recording of First Motion within 15 days from today before the Court of competent jurisdiction.

4) It is agreed that the wife and husband shall initiate appropriate legal proceedings for recording of Second Motion in accordance with law after the passing of order in petition u/s 13(B)(1) HMA.

5. It is agreed that the wife and the husband shall initiate appropriate proceedings including legal proceedings simultaneously with the filing of petition u/s 13(B)(1) HMA, for withdrawal/disposal of complaints filed against each other before various authorities and shall withdraw the complaints pending before the courts as mentioned hereinbelow after recording of first motion.

(a) Application(s) u/s 340 Cr.P.C pending in different legal proceedings before different court out of which,



three are filed by Ritesh Bahri @ Ritesh Kumar and one is stated to be filed by Rahul Berry @ Rahul Bahri.

(b) Complaint u/s 200 Cr.P.C for invoking the offence as described u/s 3 of Dowry Prohibition Act bearing CC no.2612/18, titled as Ritesh Bahri v. Abhishek & Others along with the application u/s 156(3) Cr.P.C pending before the court of Ms. Jasjeet Kaur, ACMM, North, Rohini, Delhi.

(c) Compounding proceedings in FIR No.357/16, u/s 354(D)/509/34 IPC only qua the Ritesh Bahri and Pradeep Prajapati. It is made clear that no compounding proceedings shall be initiated in any other legal proceedings against any other accused/respondent including Dimple Vivek, if named in the chargesheet after investigation.

(d) Complaints/application(s) filed by the husband against Abhishek Kaushik & his family members/relatives/friends before the income tax department/ACB/EOW.

6) It is agreed that the husband and wife shall initiate appropriate legal proceedings for quashing/disposal of FIRs and all consequential proceedings arising out of said FIRs, as mentioned herein below after disposal of the petition u/s 13(B)(2) HMA and withdrawal of complaints and legal proceedings as per clause 5 preferably within 6 months. It is agreed that the wife and the husband shall co-operate with each other including execution of NOC or personal appearance required during the proceedings to be initiated for quashing of FIRs.

7) The concerned parties with the assistance of their respective counsels shall cooperate in the execution of the terms and conditions of this settlement.

8) It is settled that after compliance of the terms & conditions of the present. settlement, there shall remain no dispute between the husband and the wife and others and none of the parties shall file or initiate any civil or criminal proceedings against each other in future and if any other case/petition/complaint etc is pending in or before any Court or



Authority or forum, the same shall be withdrawn/got disposed of by the respective/concerned parties. It is further agreed that none of the parties shall act against the interest of opposite party in any other legal proceedings in any manner legal or otherwise.

9) The parties have settled their dispute out of their own free will, without any fear, force, coercion or undue influence from any side and after understanding the consequences of the settlement.”

3. A perusal of the clause 5 (c) of the above settlement reflects that the said settlement was only with respect to compounding proceedings in FIR no.357/16 under Section 354 (D)/509/34 IPC only qua Ritesh Bahri and Pradeep Prajapati. It was further stated that no compounding proceedings shall be initiated against any other accused including Dimple Vivek; if named in chargesheet after investigation. However, learned counsel submits that now an amicable settlement has been arrived qua all petitioners with respect to all the pending complaints between them including FIR No.561/2016 registered u/s 307/389/506/384/379/120B/34 IPC at PS Mukherjee Nagar, FIR No.357/2016 registered u/s 354(D)/509/34 IPC at PS Rani Bagh, FIR No.761/2014 registered u/s 498A/406/354/354A/307/506/ 509/34 IPC at PS Mukherjee Nagar, FIR No.244/2017 registered u/s 323/341/506 IPC at PS Subzi Mandi.
4. Ms.Preeti Kaushik, Mr.Pradeep Prajapati, Mr.Ravi Kanta Bahri, Ms.Reema Dhar, Mr.Virender Sharma, Mr.Abhishek Kaushik, Mr.Kaushal Kaushik, Mr.Bharat Dubey, Mr.Surender Adhlakha appear through videoconferencing and Mr.Ritesh Kumar, who is present in person submit that they consent to the same and seek quashing of the



proceedings qua all the petitioners with respect to the abovesaid four FIRs.

5. Ld. Counsel submits that in terms of the settlement, the parties obtained divorce by mutual consent which was granted by the Ld. Principal Judge, Family Courts, Rohini Court vide decree dated 25.03.2021. Ld. Counsel submits that further in pursuance of the settlement agreement the applications u/s 340 Cr.P.C. and 200 Cr.P.C. bearing CC No. 2612/2018 titled as *Ritesh Bahari vs. Abhishek* have also been withdrawn. It is also submitted that other complaints filed by the parties in various departments have also been withdrawn as per the settlement. Ld. Counsel submits that since the parties no longer wish to pursue the present complaints owing to the settlement and they have already been granted mutual divorce, no useful purpose would be served in continuing with the present proceedings.
6. The parties, who are appearing through video conferencing and in person have been duly identified by the IO. The parties state that the abovementioned FIR's stemmed from matrimonial differences between the parties and their families which now stand amicably resolved vide settlement agreement dated 24.10.2019. Parties state that pursuant to the settlement they have also been granted mutual divorce vide decree dated 25.03.2021. The parties have stated that they have settled all their dispute out of their own free will, without any fear, force or coercion or undue influence from any side after understanding the consequences of the settlement. They state that they have no remaining grievances towards each other and as such no longer wish to pursue the abovementioned complaints owing to the amicable settlement. It has



been submitted that all the parties herein are practising lawyers except Preeti Kaushik, Ravi Kanta Bahri, Reema Dhar and Virender Sharma.

7. I have considered the submissions and perused the records. The above mentioned FIR's were lodged as a result of matrimonial discord and differences between the parties. However, parties have already amicably resolved all their disputes vide settlement agreement dated 24.10.2019. The parties have also been granted divorce by mutual consent vide decree dated 25.03.2021. The parties no longer wish to pursue the present FIRs/complaints. The chances of conviction would be bleak given that the complainants no longer wish to pursue the present complaints on account of the amicable settlement. In such circumstances, continuance of the above-mentioned FIRs would serve no useful purpose and may cause prejudice to the parties 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 the parties, case - FIR No. 561/2016



registered u/s 307/389/506/384/379/120B/34 IPC at PS Mukherjee Nagar in CRL.M.C. 2988/2023; FIR No.357/2016 registered u/s 354(D)/509/34 IPC at PS Rani Bagh in CRL.M.C. 1814/2022; FIR No.761/2014 registered u/s 498A/406/354/354A/307/506/ 509/34 IPC at PS Mukherjee Nagar in CRL.M.C. 1864/2022; FIR No. 244/2017 registered u/s 323/341/506 IPC at PS Subzi Mandi in Crl.M.C.3025/2023, and all proceedings emanating therefrom are quashed.

9. Accordingly, the present petitions along with pending applications stand disposed of.

DINESH KUMAR SHARMA, J

MAY 01, 2023

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