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

+ **CRL.M.C. 3083/2023**

SUBHENDU JHA & ORS.

..... Petitioners

Through: Mr. Joginder, Advocate.

versus

THE STATE (GOVT. OF NCT OF DELHI) AND ANR.

..... Respondents

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

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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)

CRL.M.A. 11560/2023

Exemption allowed subject to just exceptions.

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1. The present petition has been filed seeking quashing of case FIR No. 444/2016 under Section 498-A/406/34 IPC P.S. Aman Vihar.

2. Learned Counsel for the petitioner submits that Respondent no.2/complainant married petitioner no.1 on 25.05.2014 in accordance with the Hindu Rites and Ceremonies. However, on account of temperamental differences and mental incompatibility, the parties started living separately from 14.02.2015 and instituted multiple litigations against each other and

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their respective families including the present FIR. There was no child born out of the wed lock. The present FIR was lodged on the statement of wife.

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 settlement agreement dated 02.05.2016 before the Judge In-Charge, Delhi Mediation Centre, Rohini District Court. As per the settlement it has been agreed between the parties that the petitioner shall not pay any monetary compensation towards full and final settlement of the entire dispute to respondent no. 2/complainant.

4. Pursuant to the settlement, a mutual divorce petition was also filed and a decree of divorce was granted vide order dated 08.06.2016 passed by Learned Principal Judge Family Court, North-West Rohini Court.

5. 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. 444/2016 under Section 498A/406/34 IPC P.S. Aman Vihar all the proceedings emanating therefrom.

6. 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.

7. 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 08.06.2016, she has no objection if FIR no. 444/2016 under Section 498-A/406/34 IPC P.S. Aman Vihar and all the proceedings emanating therefrom.

8. I have gone through the settlement which has been placed on record. However, both the parties have reached a settlement on the following terms and conditions:-

I. That both the parties have agreed to dissolve their marriage by way of mutual consent u/s 13(B) of Hindu Marriage Act in pursuance thereof, amicably without any monetary compensation towards full and final settlement of all the claims of petitioner no.1/wife on account of dowry, istridhan, articles, maintenance (past, present and future) permanent alimony.

II. That petitioner no.2/husband shall return the dowry articles/istridhan to the petitioner no.1/wife within one week after recording statements in First Motion Petition, as per list mentioned below: -

- (i) Air Conditioner (Voltas) with Stabilizer;*
- (ii) One Double Bed;*
- (iii) One Almirah (Old);*



(iv) *One Samsung Led TV (32 inches);*

(v) *One Dressing Table*

The petitioner no.1/wife alongwith her father would visit the house of petitioner no.2/husband and collect above mentioned articles and take them her place on her own responsibility. While these goods were collected, none of the parties would utter anything, which may be defamatory or may cause mental anguish to the other party.

III. It is agreed that the First Motion petition would be filed by the parties jointly within one week of the date of signing of this agreement.

IV. The Second Motion Petition would be filed within one week of the expiry of six months from the date of presentation of First motion.

V. The quashing petition would be presented expeditiously preferably within one month after grant of decree of divorce and the complainant would cooperate with the accused/husband in quashing the FIR.

VI. It is agreed between the parties i.e., PETITIONER NO.1/Wife will withdraw the all the pending matter / cases / complaints within one month of compliance of the present settlement.

VII. That in furtherance of the mutual understanding arrived between the parties, they have agreed to cooperate with each other and represent whenever required for the necessary statements in all the proceedings, which are necessary for settlements.

VIII. That it has been agreed between the parties, there will be nothing due against each other or their family members regarding present marriage and it is further agreed between them that they will not initiate any litigation against each other of their family members in future.

IX. It is further agreed between the parties that petitioner no. 1 and petitioner no.2 will withdraw all the cases which are pending before any Hon'ble court of Delhi against each other. It is further agreed that the parties that they will withdraw any other complaint/case filed by /against either of the parties in any other court in Delhi/ India.



9. 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.

10. In view of the above, FIR no. 444/2016 under Section 498-A/406/34 IPC P.S. Aman Vihar and all the other proceedings emanating therefrom are quashed. The present petition along with all the pending applications stands disposed of.

MAY 1, 2023/AR

DINESH KUMAR SHARMA, J

