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

+ **W.P.(CRL) 1279/2023**

SH SAGAR ARORA AND ORS

..... Petitioners

Through: Mr. Vinay Kumar Bhasin and Mr.
Sanjay Padam Jain, Advocates.

versus

THE STATE AND ANR.

..... Respondents

Through: Ms. Rupali Bandhopadhy, ASC for
the State with Mr. Akshay Kumar and
Mr. Abhijeet Kumar, Advocates and
SI Sandeep Kumar, PS Uttam Nagar
and SI Tej Ram, PS Uttam Nagar.

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Date of Decision: 08.05.2023.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

CRL.M.A. 12045/2023

Exemption allowed subject to just exceptions.

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1. The present petition has been filed for quashing FIR no. 572/2021 registered under Section 498A/406 IPC at PS Uttam Nagar.

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2. Learned Counsel for the petitioner submits that Respondent no.2/complainant married petitioner no.1 on 07.07.2019 in accordance with the Hindu Rites and Ceremonies. A male child namely master Ujjwal Arora (DOB: 02.11.2020) was born out of the said wedlock who is at present in the custody of petitioner no. 1. However, on account of temperamental differences and mental incompatibility, the parties are residing separately since 18.12.2020 and instituted multiple litigations against each other and their respective families including the present FIR. Ld. Counsel further submits that the charge-sheet, in this case, has already been filed and the matter is pending before the Learned MM, Dwarka Courts, Delhi.

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 02.04.2022 before the Mediation Centre, Dwarka Courts, Delhi. As per the settlement it has been agreed between the parties that the parties shall seek divorce by mutual consent without any monetary consideration.

4. Pursuant to the settlement, a mutual divorce petition was also filed and a decree of divorce was granted vide order dated 12.12.2022 passed by Learned Principal Judge, Family Court (South-West), Dwarka Courts, New Delhi.

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 and 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 threat, 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 12.12.2022, she has stated that she has no objection if FIR no.572/2021 registered under Section 498A/406 IPC at PS Uttam Nagar and all the proceedings emanating therefrom are quashed.

8. I have gone through the settlement dated 02.04.2022 which has been placed on record. The settlement agreement provides for the following terms and conditions:

- a. It has been agreed between the parties that the parties shall seek divorce by mutual consent without any monetary consideration.*
- b. The respondent/husband has agreed and undertaken to return all the articles as mentioned in the list Annexure-A to this settlement, on or before 10.04.2022.*

- c. *Both the parties shall jointly file the first motion petition u/s, 13 B (1) of HMA, within fifteen days after receiving the articles on or before 10.04.2022.*
 - d. *Both the parties shall move second motion petition for divorce within fifteen days of the minimum statutory period or any time sooner as per law.*
 - e. *The minor child namely Master Ujawal Arora - child of Petitioners No. 1 and Respondent No.2 remain in custody of respondent no1/Husband and the complainant/wife shall not claim any custody/visitation rights of Master Ujawal Arora.*
 - f. *This settlement shall not affect the rights of the minor children with respect to the property or maintenance etc. as per law.*
 - g. *It has been agreed between the parties that the parties that this settlement shall not affect the rights of the major children with respect to the property or maintenance etc. as per law.*
 - h. *Both the parties shall withdraw the present case from the referral court within a week after recording of their joint statement in the first motion petitions u/s 13 B (1) of HMA.*
 - i. *It has been agreed between the parties that the parties that in case any of the above parties do not abide by the terms and conditions of this settlement, the other party shall be at liberty to take appropriate action as per law.*
9. Both the parties have signed a joint statement stating that the rights of the child namely Master Ujawal are not settled and he can avail all his legally enforceable rights as per the law.

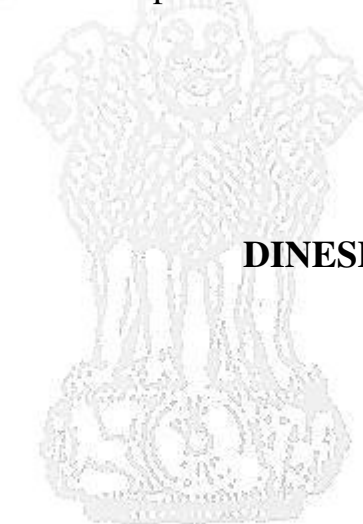
10. Taking into account the totality of facts and circumstances of the case, this court considers that since the parties have entered into an amicable settlement out of their own free will, without any fear, force, or coercion, they should be given an opportunity to lead their lives peacefully. No purpose will be served in continuing with the trial.

11. In view of the above, FIR no. 572/2021 registered under Section 498A/406 IPC at PS Uttam Nagar and all the other proceedings emanating therefrom are quashed.

12. The present petition stands disposed of.

DINESH KUMAR SHARMA, J

MAY 8, 2023/AR



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