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

+ **CRL.M.C. 3249/2023**

SH. VINEET TANEJA & ORS.

..... Petitioners

Through: Mr. Jatin Rana, Advocate.

versus

STATE & ANR.

..... Respondents

Through: Mr. Hemant Mehla, APP for the State with Mr. Dipanshu Meena, Advocate and SI Randeep, PS Budh Vihar. Mr. Pradeep Kumar, Advocate through V/c and Ms. Anubhooti Shrivastava and Ms. Anailu Hakung, Advocates for complainant/R-2.

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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. 12165/2023

Exemption allowed subject to just exceptions.

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1. The present petition has been filed under Section 482 Cr. PC seeking quashing of case FIR No. 0256/2019 dated 01.10.2019 registered under

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sections 498A/406/34 IPC at PS Budh Vihar. The said FIR was lodged on the complaint of respondent No.2/wife against the petitioners herein.

2. Facts in brief are that the marriage between petitioner No. 1/husband and respondent No. 2/complainant - wife was solemnized on 27.11.2015 as per Hindu rites and customs at Delhi. This was the second marriage for both the parties. No child was born out of the wedlock. Thereafter owing to temperamental differences both the parties started residing separately since 20.11.2018. Consequently, respondent No. 2/complainant lodged the present FIR against the petitioners herein. Chargesheet is stated to have been filed and the matter is pending adjudication before the learned MM (Mahila Court), Rohini Courts, Delhi.

3. It has been submitted that besides the present FIR, various other litigations erupted between the parties which are tabulated as under:

S.No.	Matter Details	Filed by
1.	Complaint u/s 12, DV Act bearing CC No. 9633/2019 titled <i>Mrs. XYZ vs Vineet Taneja & Ors.</i>	Respondent No.2
2.	Petition u/s 13(1)(ia), HMA bearing Petition No. 339/2019 titled <i>Mrs. XYZ vs Vineet Taneja & Ors.</i>	Respondent No.2
3.	Petition u/s 125 Cr.P.C. bearing Petition No. 1316/2019 titled <i>Mrs. XYZ vs Vineet</i>	Respondent No.2

	<i>Taneja & Ors.</i>	
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4. Ld. Counsel submits that while the proceedings were underway, the parties entered into an out of court settlement on 23.09.2022 and thereafter on 26.09.2022 before the Delhi Mediation Centre, Rohini Districts, Courts, Delhi. Both the settlement agreements have been placed on record. In pursuance to the settlement, both the parties filed for divorce by mutual consent and vide decree dated 21.02.2023 their marriage was dissolved by the Ld. Judge, Family Court, Rohini, Delhi. It has been submitted that in terms of the settlement, the parties also withdrew all the other various litigations pending between them. Further, in terms of the settlement agreement it was agreed between the parties that the petitioner No.1 has to pay respondent No.2 a total sum of Rs. 5 lakhs towards full and final settlement of all her claims. It has been submitted that out of the total settled amount, a sum of Rs. 3 lakhs has already been paid to the respondent No.2 and the remaining Rs 2 lakhs is to be paid today. Ld. Counsel submits that since parties have amicably settled, no useful purpose would be served in continuing with the present complaint.

5. 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 the parties have already been granted mutual divorce vide decree dated 21.02.2023. 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. She states that out of the total settled amount of Rs.5,00,000/- she has already received Rs. 3,00,000/- from the petitioners. She states that the remaining amount of Rs. 2,00,000/- has been handed over to her today in court by way of demand draft bearing DD No. 888448 dated 24.02.2023 drawn on Yes Bank in the name of Ruma Walia.

6. I have considered the submissions. Divorce by mutual consent has already been granted to the parties. 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.

7. Considering the totality of facts and circumstances of the case and in view of the submissions of respondent no.2/ complainant, the case 0256/2019 dated 01.10.2019 registered under sections 498A/406/34 IPC at

PS Budh Vihar and all proceedings emanating therefrom are quashed.

8. Accordingly, the present petition stands disposed of.

DINESH KUMAR SHARMA, J

MAY 8, 2023/AR

