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

+ **CRL.M.C. 2247/2022**

AKASH @ ATIF & ORS.

..... Petitioners

Through: Mr.Pradeep Yadav, Adv. with all the
petitioners.

Versus

THE STATE NCT OF DELHI & ANR.

..... Respondents

Through: Mr. Hemant Mehla, APP for the State
with Mr.Dipanshu Meena, Adv. with
SI Sarita Ps BHD Nagar.

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Date of Decision: 15th March, 2023

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

1. Present petition under Section 482 Cr.P.C. has been preferred on behalf of petitioners for quashing of FIR No. 711/2020 under Sections 354/377/323 IPC, registered at P.S. Baba Haridas Nagar and consequent proceedings arising therefrom.
2. Briefly stated facts of the case are that an FIR was lodged on the statement of complainant-respondent No.2 making allegations of

molestation, unnatural sex and physical beatings against her husband and her father in law.

3. Learned APP for the State submits that as per instructions of IO the charge sheet has now been filed against the petitioner for the offence under Section 323/354/506 IPC. However, now the parties have entered into a settlement and the MoU dated 04.01.2021 has been placed on record reads as under;

“1. That the Second Party will take first party and her newly born son on the execution/signing of the present memorandum of Understanding (MoU)/Settlement Agreement to their residence/matrimonial home.

2. That the Second party undertakes to keep the first party and her child happy, healthy and secure and will not subject them or let them subject to any kind of acts as alleged by the first party in her above complaints and will not separate them as well as maintain them fully.

3. That the second party had not made any complaint/case against the first party or her person and the first party undertakes to make required statements to withdraw/quash her above complaints filed/pending against the Second Party before the Concerned Courts/Tribunals/Authorities after the signing of the present MoU.

4. That it is also agreed that the second party will not stop the first party and her son from meeting, communicating and visiting to her parents and other family members.

5. That both the parties undertake to respect each other and maintain harmonious relationship between thereon and fulfil their respective obligations.”

4. Petitioner No.1 and the respondent No.2 both present in the person and submit that they are happily living with each other as husband and

wife for the last 2 and ½ year and they have settled all the disputes amicably.

5. IO states that there is no other complaint case against the parties nor has any other complainant been received. The complainant states that she has entered into the MoU without any fear, undue influence or coercion.
6. Section 482 CrPC acknowledges the inherent power of the high court to secure the ends of justice. In cases where the offences are not compoundable in nature, the parties on account of an amicable settlement invoke the inherent power under Section 482 Cr.P.C. for quashing the proceedings on the plea that continuance thereof would merely be an abuse of process of law.
7. 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.
8. 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.

9. In view of the submissions made above, the case FIR No. 711/2020 under Sections 354/377/323 IPC, registered at P.S. BHD Nagar and consequent proceedings arising therefrom are quashed.

10. The present petition stands disposed of.

DINESH KUMAR SHARMA, J

MARCH 15, 2023

Pallavi