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

+ **CRL.M.C. 3723/2023**

AMIR KHAN @ AAMIR KHAN & ORS. Petitioners

Through: **Mr. Manish Chaudhary and Mr.
Rakesh Malviya, Advocates.**

versus

GOVT OF NCT OF DELHI & ANR. Respondents

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

% *Date of Decision: 23.05.2023.*

**CORAM:
HON'BLE MR. JUSTICE DINESH KUMAR SHARMA**

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

CRL.M.A. 14093/2023

Exemption allowed subject to just exceptions.

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1. The present petition has been filed seeking quashing of case FIR No. 106/2020 under Section 498A/406/34 IPC and Section 4 of Dowry Prohibition Act, 1961 registered at PS Seemapuri.
2. Learned Counsel for the petitioner submits that Respondent no.2/complainant married petitioner no.1 on 26.01.2015 in accordance with the Muslim custom and ceremonies. Two sons namely Ayan Khan and Farhan Khan was born out of this wedlock. However, on account of

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temperamental differences and mental incompatibility, the parties started living separately and Respondent no. 2 filed a written complaint against the petitioners. On the said written complaint FIR bearing No. 106/2020 dated 12.03.2020 under section 498A/406/34IPC and section 4 of the Dowry Prohibition Act, 1961 was registered at PS Seemapuri against the Petitioners. Petitioner also filed a complaint under section 200Cr.P.C vide Complaint Case bearing No. 822/2018 which is pending before the court of Ld. ACMM, North East District, Karkardooma District Court, Delhi against the family members of Respondent No. 2 whereas the father of the Respondent No. 2 also filed a Complaint Case bearing No. 1359/2017 which has been dismissed on 22.08.2022.

3. Learned Counsel submits that during the pendency of the proceedings, the parties have resolved their disputes amicably and in furtherance thereof they have entered into a Compromise cum-Settlement Deed dated 26.09.2022. As per the settlement it has been agreed between the parties that they will live together and withdraw their litigations filed by them against each other.

4. Furthermore, the Learned Counsel for the petitioners submits that since the parties have resolved all their differences amicably and are living together, therefore, it would be in the interest of justice to quash FIR No. 106/2020 under Section 498A/406/34 IPC and Section 4 of Dowry Prohibition Act, 1961 registered at PS Seemapuri and all the proceedings emanating therefrom.

5. Along with the petition, the Compromise cum-Settlement Deed dated 26.09.2022 executed has also been filed. The terms and conditions of the settlement are as follows:-

“1. That the second party has agreed and consented to compromise the offences mentioned in the FIR No. 106/2020 dated 12.03.2020 U/s /s 498A/406/34 IPC & section 4 of the Dowry Prohibition Act, 1961 lodged against the First Party at Police Station Seemapuri before the Police Authority and/or support and help the First Party to get the said FIR No. 106/2020 dated 12.03.2020 U/s 498A/406/34 IPC & section 4 of the Dowry Prohibition Act, 1961 at Police Station Seemapuri quashed from the Hon'ble High Court of Delhi.

2. That the Second Party has also agreed and consented to withdraw the Petition filed under section 125 of Cr.P.C. vide bearing Maintenance Petition No. 65/2018 pending in the Family Court, Shandara District, New Delhi against Mr. Amir Khan.

3. That the First Party i.e. Amir has also agreed and consented to withdraw the Complaint Case bearing No. 822/2018 pending before the Court of Ld. ACMM, North East District, Karkardooma District Court, New Delhi against the family member of the Second Party.”

6. Today, parties are present in the Court and have been duly identified by the Investigating Officer. They state that pursuant to the settlement agreement, they are living together and no dispute is pending between them. It has been submitted that even a child has been born now. Respondent No.2/complainant has also states that she has settled all her matrimonial disputes with the petitioners out of her own free will, without pressure, coercion or undue influence and does not want to pursue the present case any further and requests that the present FIR and all the proceedings emanating therefrom may be quashed.

7. The inherent power under Section 482 Cr.P.C. is of wide plenitude

with no statutory limitation but it has to be exercised in accord with the guidance engrafted in such power viz.: (i) to secure the ends of justice, or (ii) to prevent abuse of the process of any court. In the case of ***Gian Singh v. State of Punjab*** (2012) 10 SCC 303, the Supreme Court has observed that in the exercise of its inherent power under Section 482, the High Court can quash FIR/Charge-sheet on the basis of alleged settlement except in cases of rape, murder, dacoity or the cases under the Special Statutes like Prevention of Corruption Act or the offences committed by public servants while working in that capacity etc.

8. It has also been repeatedly held that the High Court may quash the criminal proceedings if in its view, because of the compromise between the offender and the victim, the possibility of conviction is remote and bleak and continuation of the criminal case would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. Reliance can be placed upon ***Madhavrao Jiwajirao Scindia v. Sambhajirao Chandrojiroo Angre***, (1988) 1 SCC 692

9. In the present case, it appears from the interaction with respondent no.2/ complainant that she is not going to support the case of the prosecution and the possibility of conviction is remote and bleak. In view of the matter, the continuation of the criminal proceedings would be an exercise in futility and it is an abuse of the process of the court.

10. I consider that it would be in interest of justice if the parties are allowed to live their lives together peacefully, there would no purpose in

continuing with the present proceedings and accordingly, the FIR No. 106/2020 under Section 498A/406/34 IPC and Section 4 of Dowry Prohibition Act, 1961 registered at PS Seemapuri is quashed.

11. In view of the above, the present petition stands disposed of

DINESH KUMAR SHARMA, J

MAY 23, 2023/AR

