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

+ **CRL.M.C. 3751/2023**

PREM SAGAR@PREM BHATEJA AND ANR. Petitioners

Through: Mr. Subhash C. Datt and Mr. Amit
Kumar, Advocates with petitioners.

versus

STATE AND ANR

..... Respondents

Through: Mr. Naresh Kumar Chahar, APP for
State and SI Ashish, PS Moti Nagar
and SI Hareti Lal, PS Punjabi Bagh.

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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. 14151/2023

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. 0357/2018 dated 19.09.2018 registered under sections 498A/406/34 IPC at PS Moti Nagar. The said FIR was lodged on the complaint of respondent No.2/wife against the petitioners herein.

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2. Facts in brief are that the marriage between petitioner No. 1/husband and respondent No. 2/complainant - wife was solemnized on 07.09.2013 as per Hindu rites and rituals. No child was born out of the wedlock. Thereafter owing to temperamental differences both the parties started residing separately since 25.08.2017. Consequently, respondent No. 2/complainant filed a complaint before CAW Cell, which culminated into the present FIR against the petitioners herein. Chargesheet has been filed and the matter is pending before the Court of Ld. MM, Mahila Courts, THC, Delhi.
3. It has been submitted that while the proceedings were underway with the intervention of family members and well-wishers the parties entered into a settlement on 26.11.2019 on the following terms and conditions:

“1. That there are following litigation is pending between the parties:

a) Petition under section 13 (i) (ia) of HM Act bearing No.3080/2018 for dissolution of marriage alongwith petition under section 24 of HMA, pending before the Hon'ble Court of Ms. Shailender Kaur, Ld. Principal Judge, Family Court, Tis Hazari Courts, Delhi.

b) Criminal Case lodged at the instance of first party against second party and his mother vide FIR



No.357/2018 under section 498A/406/34 IPC dated 19.9.2018 registered at P.S. Moti Nagar, New Delhi.

2. That the first party shall withdraw the petition under section 13 (i) (ia) of HM Act bearing No.3080/2018 for dissolution of marriage alongwith petition under section 24 of HMA, pending before the Hon'ble court of Ms. Shailender Kaur, Id. Principal Judge, Family Court, Tis Hazari Courts, Delhi and will also cooperate at the time of filing the quashing petition before Hon'ble High Court of Delhi.

3. That the parties will file a mutual divorce petition under Section 13-B (I) and Section 13-B (II) of HMA Act in the Court of Principal Judge, Family Court, Delhi.

4. That the first party has already received all of her istridan articles including jewellery etc. and there remain nothing further to be return to her by the second party. The first party shall not claim in future for anything from the first party against permanent alimony, maintenance etc.

5. That it has been agreed between the parties that the first party shall pay a total sum of Rs.1,80,000/ (Rupees one lakh eighty thousand only) to the first party. The mode of payment shall be as follows:



a) Rs.60,000/- to be paid by the second party to the first party at the time of recording the statement of the parties in first motion petition of divorce by mutual consent.

b) Rs.60,000/- to be paid by the second party to the first party at the time of recording statement of the parties in second the motion petition of divorce by mutual consent.

c) Rs.60,000/- to be paid by the second party to the first party at the time of recording the statement of the parties before the Hon'ble High Court for quashing the PIR No.357/2018 under section 498A/406/34 IPC dated 19.9.2018 registered at P.S. Moti Nagar, New Delhi.

6. That it has been agreed between the parties that both the parties will cooperate with each other and they will give the joint statement before the Court of Principal Judge, Family Court, Delhi.

7. That it has been agreed between the parties that they shall not file any kind of proceedings, whether civil, criminal or under DV act against each other or their family members, relatives before any court of law.

8. That the parties further undertakes that they do not any claim, rights, title or interest qua any property movable of



immovable of whatsoever nature against each other or their family members, whether self acquired or otherwise.

9. That both the parties shall not harass, humiliate and torture to each other of their family members either by telephonically or through any other electronics means or communication at any point of time.

10. That both the parties are free to remarry with any one after obtaining the decree of divorce from the concerned court.

11. That both the parties will abide all the terms and conditions of the Settlement/MOU.

12. That both the parties have executed this MoU without any force, fraud, coercion, pressure from any corner and after going through understanding the contents of this MOU in vernacular language.”

4. Ld. Counsel submits that in terms of the above settlement, the parties no longer have any grievance remaining against each other. The parties have also been granted divorce by mutual consent vide judgement dated 29.01.2021 passed by the Ld. Addl. Principal Judge, Family Courts, THC, Delhi. It has been submitted that out of the total settled amount of Rs. 1,80,000/- the petitioner has already paid Rs. 1,20,000/- to the respondent No.2/complainant and the remaining Rs. 60,000/- is to be paid today. Ld. Counsel submits that since parties



have amicably settled thus 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 judgement dated 29.01.2021. 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 in terms of the settlement, out of the total settled amount of Rs. 1,80,000/- she has already received Rs. 1,20,000/- from the petitioners. She states that the remaining amount has been handed over to her today in court by way of demand draft bearing cash/DD No. 484508 dated 16.05.2023 in the name of Tripti Bala a sum of Rs. 60,000/-(Rs. Sixty Thousand Only) drawn from State Bank of India. She states that in terms of the settlement she has received the entire settled amount.
6. I have considered the submissions. The parties have amicably settled all their disputes and have been granted divorce by mutual consent. The complainant/ respondent No.2 no longer wishes to pursue the present FIR. The chances of conviction would be bleak 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 FIR No. 0357/2018 dated 19.09.2018 registered under sections 498A/406/34 IPC at PS Moti Nagar and all proceedings emanating therefrom are quashed.
8. Accordingly, the present petition stands disposed of.

DINESH KUMAR SHARMA, J

MAY 23, 2023/AR

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