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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**+ **W.P.(CRL) 1527/2023****MUKESH PRUTHI @ MINKU & ORS.**

..... Petitioners

Through: Mr. Hemant Kumar and Mr.
Khushnuma, Advs.

versus

STATE THROUGH SHO PS TILAK NAGAR & ANR. Respondents

Through: Mr. Anand V. Khatri, ASC

Mr. Harsh Bahl and Ms. Pushplata,
Advs. For R-2

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Date of Decision: 25th May, 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. 14459/2023(exemption)**

Exemption is allowed subject to all just exceptions.

W.P.(CRL) 1527/2023

1. The present petition has been filed under Section 482 Cr. P.C. seeking quashing of case FIR No. 82/2023 registered at PS Tilak Nagar under



Sections 498A/406/34 IPC. The said FIR was lodged on the statement of the 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 01.12.2022 as per Sikh rites and customs at Delhi. One male child namely Ansh was born out of the wedlock. Thereafter owing to temperamental differences both the parties started residing separately since 27/28.09.2018. Subsequently, respondent No. 2/wife filed a complaint before CAW Cell, which culminated into registration of the present FIR against the petitioners herein. It has been submitted that besides the present FIR, the respondent No.2 also filed a petition under Section 125 Cr.P.C. and a complaint under Section 12, DV Act against the petitioner No. 1.
3. Ld. Counsel submits that while the proceedings were underway the parties amicably settled all their disputes and started residing together as husband and wife. Ld. Counsel submits that as a result the petition under section 125 Cr.P.C. was disposed of as withdrawn as recorded vide order dated 15.04.2023 and the complaint u/s 12, DV act was also withdrawn vide order dated 04.05.2023. Ld. Counsel submits that since the matter stands amicably resolved between the parties thus no useful purpose would be served in continuing with the present FIR and seeks quashing of the same.
4. The petitioners and the complainant/respondent no. 2 are present in



person and have been duly identified by the IO. Complainant/respondent no. 2 states that she was married to the petitioner No. 1 namely Mukesh Pruthi on 01.12.2022. She states that one child was born out of wedlock. She states that she has amicably settled all the disputes with the petitioners and wants to put a quietus to the same. She further states that the petitioner No.1 and her are living together as husband and wife, happily and peacefully. She states that she has settled the dispute voluntarily out of her own free will, without any fear, force or coercion and has no objection if the present FIR and all criminal proceedings emanating therefrom are quashed.

5. I have considered the submissions. The parties have amicably settled all their disputes and are peacefully living together as husband and wife. The respondent No.2/ complainant does not wish to pursue the present complaint. In such circumstances continuance of FIR No. 82/2023 would serve no useful purpose and may cause prejudice to the petitioner and be an exercise in futility. The chances of conviction would also be bleak given that the complainant does not wish to pursue the present complaint on account of the amicable settlement. I do not see any reason to reject the compromise especially since the parties have settled all their disputes and are residing together in a matrimony. 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 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.

6. Considering the totality of facts and circumstances of the case and in view of the statement of the respondent no.2/ complainant, the case FIR No. 82/2023 registered at PS Tilak Nagar under Sections 498A/406/34 IPC and all proceedings emanating therefrom are quashed.
7. Accordingly, the present petition stands disposed of.

DINESH KUMAR SHARMA, J

MAY 25, 2023

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