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

+ **W.P.(CRL) 1629/2023**

KULDEEP SINGH & ORS.

..... Petitioners

Through: **Mr. Chandrakant Tiwari, Adv.**

versus

THE STATE AND ANR.

..... Respondents

Through: **Mr. Anand V. Khatri, ASC for the
State and SI Manju Yadav, PS Tilak
Nagar.
Mr. Anish Roy, Adv.**

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Date of Decision: 30.05.2023.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

CRL.M.A. 15167/2023

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. 552/2022 dated 06.08.2022 registered under sections 498A/406/34 IPC at PS Tilak 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 29.09.2019 as per Sikh rites and rituals at Haryana. No child was born out of the wedlock. Thereafter owing to temperamental differences both the parties started residing separately since 16.06.2021. Consequently, respondent No. 2/complainant filed a complaint before CAW Cell, Kirti Nagar, Delhi basis which the present FIR came to be lodged against the petitioners herein. The respondent No.2/complainant also filed a complaint under section 12, DV Act against the petitioner No.1.

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 13.03.2023 before the Delhi Mediation Centre, THC, Delhi on the following terms and conditions:

“4 (a) The complainant/wife and the respondent/husband shall seek divorce by mutual consent.

(b) The respondent/ husband shall pay a sum of Rs. 3,20,000/- (Rupees three lakhs and twenty thousand only), in three installments, by way of demand draft, to the complainant/wife towards full and final settlement of all her claims regarding downy, stridhan, permanent alimony and maintenance (past, present and future), as under:-

(c) The first installment of Rs. 1,10,000/- (Rupees one lakh and ten thousand only) shall be paid by the respondent/husband to the complainant/wife, at the time of recording of their joint statement in the first motion petition u/s 138 (1) of HMA, which shall be filed jointly by them on or before 30.04.2023.

(d) The Second installment of Rs. 1,10,000/- (Rupees one lakh and ten thousand only) shall be paid by the



respondent/husband to the complainant/wife, at the time of recording of their joint statement in the Second motion petition u/s 13B (2) of HMA. Both the parties shall move second motion petition for divorce, within one month of the expiry of the minimum statutory period or any time sooner as per law.

(e) The third installment of Rs. 1,00,000/- (Rupees one Lakh only) shall be paid by the respondent/husband to the complainant/wife, at the time of filing of petition for quashing of FIR No. 552/2022, u/s 498-A/406/34 IPC, PS: Tilak Nagar, which shall be fixed within forty five days after passing the order in second motion petition. The complainant/wife shall cooperate in the said proceedings.

(f) The respondent no. 1/husband has agreed and undertaken to return the admitted articles i.e. double bed, almirah, AC, washing machine, LED, inverter, utensils and clothes of the complainant/wife against proper receipt, before filing of first motion petition. The expenses for such transport shall be borne by the respondent/husband.

(g) That the keys of the Nano car with Car bearing registration no. HR 11D 6280 shall be given to respondent no.1 by the complainant at the time of receiving the above said admitted articles, against proper receipt.

(h) The complaint/wife shall withdraw the present case, before the Ld. Referral Court, within fifteen days after recording of the joint statement of the parties in the second motion u/s 13 B (2) of HMA.

5. It is further agreed between the complainant/wife and the respondent/husband that they would not file any case in future against each other and / or their respective family members in connection with this marriage after grant of divorce. Both the parties are not left with any grievance against each other as well as their respective families.



6. *In case of any of the above said parties do not abide by the terms and condition of this settlement, the other party shall be at liberty to take appropriate action as per law.*

7. *Both the parties shall be bound by the terms and conditions as mentioned above.*

8. *Both the parties shall bear their respective cost of litigation.*

9. *By signing this settlement, both the parties state that they have no future dispute against each other in respect of the present complaint case as well as above mentioned connected case and all the disputes and differences in this regard have been amicably settled by them during the mediation.*

10. *The contents of the settlement have been explained to both the parties in vernacular and they have understood the same. Both the parties undertake that they have consented and signed the above settlement after going through and understanding its contents and they have settled the dispute between themselves of their own free will and without any coercion, pressure, undue influence, force, misrepresentation or mistake from any quarter."*

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 04.05.2023 passed by the Ld. Judge, Family Courts, THC, Delhi. It has been submitted that out of the total settled amount of Rs.3,20,000/- the petitioner has already paid Rs. 2,20,000/- to the respondent No.2/complainant and the remaining Rs. 1,00,000/- 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 04.05.2023. 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 in terms of the settlement, out of the total settled amount of Rs. 3,20,000/- she has already received Rs. 2,20,000/- from the petitioners. She states that the remaining amount has been handed over to her today in court by way of demand draft bearing DD No. 593297 dated 19.05.2023 in the name of Amandeep Kaur for Rs. 1,00,000/- (Rupees One Lakh only) drawn from Punjab and Sind Bank. 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

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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. 552/2022 dated 06.08.2022 registered under sections 498A/406/34 IPC at PS Tilak Nagar and all proceedings emanating therefrom are quashed.

8. Accordingly, the present petition stands disposed of.

MAY 30, 2023/AR

DINESH KUMAR SHARMA, J

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