



\$~39

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

+ **CRL.M.C. 2706/2022 & CRL.M.A. 16017/2023**

**SH. PRAMOD KANDPAL & ANR. .... Petitioners**

Through: **Mr. Ashok Kumar, Adv.**

versus

**THE STATE (NCT OF DELHI) & ANR. .... Respondents**

Through: **Mr. Raguvender Verma, APP for  
State and ASI Ravinder Singh, PS  
Vijay Vihar.**

%

*Date of Decision: 02.06.2023.*

**CORAM:**

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

### **J U D G M E N T**

#### **DINESH KUMAR SHARMA, J. (Oral)**

1. Present petition has been filed under section 482 Cr.P.C seeking quashing of FIR 775/2018 registered under sections 498A/406/34 IPC at PS Vijay Vihar.
2. Briefly stated facts of the case are that the parties i.e., Petitioner No.1/Husband and Respondent No.2/Wife got married on 11.12.2016 according to Hindu rites and ceremonies. Out of this wedlock, one female child namely Baby Ruhi was born on 23.09.2017. However temperamental issues arose between the parties and they could not adjust with each other. These disputes gave rise to aforementioned FIR.
3. Charge-sheet has not been filed.

*CRL.M.C. 2706/2022*

*Page 1 of 4*



4. It is submitted that however, the parties have amicably settled the matter vide Settlement Deed/MoU dated 22.09.2021 before Delhi Mediation Centre, Rohini and in view of the settlement the present FIR may be quashed.

5. Settlement agreement dated 22.09.2021 contains the following terms and conditions: -

*"1. The parties shall dissolve their marriage by decree of divorce by mutual consent without leveling allegations and counter-allegations against each other in accordance with law before the Court of competent jurisdiction at Delhi.*

*2. It settled between the parties that the respondent will return the dowry articles as mentioned in Annexure-A on or before 20.10.2021 before the concerned CAW Cell and there will no monetary consideration except Annexure-A.*

*3. It is settled between the parties that the First Motion Petitioner U/s. 13(B)(1) of Hindu Marriage Act shall be filed by the parties jointly on or before 30.10.2021. However, expenses of First Motion Petition shall be incurred by the complainant/wife.*

*4. It is settled between the parties that the Second Motion Petition U/s. 13(B)(2) of Hindu Marriage Act shall be filed by the parties jointly within the statutory period of law. However, expenses for the Second Motion Petition shall be incurred by the respondent/husband.*

*5. It is also settled between the parties that within one month after second motion, they will go for quashing of FIR No. Not Known, PS Vijay Vihar U/s 498A/406/34 IPC before the Hon'ble Delhi High Court. The complainant/wife shall cooperate in quashing of the aforesaid FIR and shall appear and make necessary statement before the Hon'ble High Court of Delhi, if required. However, expenses for the quashing of FIR shall be incurred by the respondent/ husband.*



6. *It is also settled between the parties that the complainant will withdraw the present D.V Act case after first motion.*

7. *It is also settled between the parties that the custody of daughter namely Ruhi shall remain with complainant/wife permanently and respondent/husband shall not claim any visitation right and custody from the complainant/wife at any point of time after obtaining the decree of divorce.*

8. *It is settled between the parties that non compliance of settlement by both the parties will be paid Rs. 1,00,000/- as penalty to each other.*

9. *It is further agreed between the parties that complainant/wife shall not claim any maintenance (past, present or future) from the accused/husband in future.*

10. *Both the parties undertake not to interfere in the life of each other in future.*

11. *In terms of the present settlement, there shall remain no case/dispute between the parties qua the marriage of the complainant and accuse/applicant and that none of the parties shall file any civil or criminal proceedings against each other in future qua the same and that if any other case/petitioner/complaint etc. between the parties is pending in any Court or Authority, whether in the knowledge of parties or not the same shall be withdrawn/got disposed of by the respective party and that both the parties shall not file any case of any nature against each other including for and on behalf of minor children.”*

6. In pursuance to the terms of the settlement the decree of divorce has also been granted vide order dated 26.04.2022.

7. The parties are present in person and have signed a joint statement



with respect to the rights of their child in the future. It is made clear that this settlement shall not affect the rights of their child in the future. Parties also state that they have entered into the settlement amicably out of their own free will without any fear, force or coercion.

8. IO has duly identified the parties.

9. It is settled that the inherent powers under section 482 of the Code are required to be exercised to secure the ends of justice or to prevent abuse of the process of any court. Further, the High Court can quash non-compoundable offences after considering the nature of the offence and the amicable settlement between the concerned parties. Supreme Court and this Court have repeatedly held that the cases arising out of matrimonial differences should be put to a quietus if the parties have reached an amicable settlement. Reliance may be placed upon: *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.

10. I consider that there would be no purpose of continuing with the proceedings. It was a matrimonial dispute which has been amicably settled.

11. In view of the above facts and circumstances the case FIR 775/2018 registered under sections 498A/406/34 IPC at PS Vijay Vihar. alongwith all other proceedings emanating therefrom is quashed.

12. The present petition stand disposed of.

**DINESH KUMAR SHARMA, J**

**JUNE 2, 2023/AR**

*CRL.M.C. 2706/2022*

*Page 4 of 4*