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

+ **W.P.(CRL) 1690/2023**

BRIJESH @BIRJU KUMAR

..... Petitioner

Through: Mr.Nitin Saluja, Advocate with
petitioner in person.

versus

THE STATE (GOVT. OF NCT OF DELHI) & ANR.

..... Respondents

Through: Mr.Sanjay Lao, standing counsel
(Crl.) for the State.
Respondent no.2 in person

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Date of Decision: 10.08.2023

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

1. The present petition has been filed for quashing of FIR no. 230/13 dated 14.09.2013 registered under Section 498A/406/34 IPC at PS Sonia Vihar and all the proceedings arising therefrom.
2. Learned Counsel for the petitioner submits that Respondent no.2/complainant married petitioner no.1 on 11.02.2012 in accordance with the Hindu Rites and Ceremonies. However, it has been submitted that, on

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account of temperamental differences and mental incompatibility, the parties started living separately and instituted multiple litigations against each other and their respective families including the present FIR. He submits that the chargesheet has been filed and the Cr. Case 1013/2018 is pending before the MM, Karkardooma Courts, New Delhi.

3. Learned Counsel further submits that during the pendency of the proceedings, the parties have resolved their disputes amicably and in furtherance thereof they have entered into a settlement agreement dated 11.02.2016, before the Principal Judge, Family Courts, North East District, Vishwas Nagar, Delhi. As per the settlement it has been agreed between the parties that the petitioner shall pay Rs. 3.75 Lakhs (Three Lakhs Seventy-Five Thousand) in full and final settlement of the entire dispute to respondent no. 2/complainant.

4. It has been submitted that pursuant to the settlement, a mutual divorce petition was filed and a decree of divorce was granted vide order dated 03.09.2016 passed by Family Courts, North East District, Vishwas Nagar, Delhi.

5. Learned Counsel for the petitioners, therefore, submits that since the parties have resolved all their differences amicably; it would be in the interest of justice to FIR no. 230/13 dated 14.09.2013 registered under Section 498A/406/34 IPC at PS Sonia Vihar and all the proceedings emanating therefrom.

6. Both parties have been duly identified by the lawyers. Respondent no. 2 submits that she has entered the settlement voluntarily



without any fear, force or coercion. She submits that a DD No.065451 dated 08.08.2023 in the sum of Rs.75,000/- in the name of Geeta drawn on Bank of Baroda, Rajendra Park, Gurgaon was given her in court today. She submits that other petitions have already been withdrawn or dismissed. And since the marriage between the parties has also been dissolved by a decree of divorce by mutual consent order/judgment dated 03.09.2016, she has no objection if FIR no. 230/13 dated 14.09.2013 registered under Section 498A/406/34 IPC at PS Sonia Vihar and all the proceedings emanating therefrom are quashed.

7. I have gone through the settlement dated 11.02.2016 which has been placed on record. The settlement provides for the following terms and conditions:

- *That the petitioner and the respondent shall take divorce by way of mutual consent within the jurisdiction of Delhi Court.*
- *That the respondent (husband) shall pay to wife (petitioner) a sum of Rs. 3.75 Lakhs (Three Lakhs Seventy-Five Thousand) as full and final settlement (against stridhan, dowry articles, past, present and future maintenance and nothing shall remain qua this marriage).*
- *It is further agreed between the parties that the husband will pay Rs. 1.25 Lakhs to the wife at the time of recording of this settlement of first motion. Mode of Payment – DD/Cash.*
- *It is further agreed between the parties that the husband will pay Rs. 1.25 Lakhs to the wife at the time of recording of this settlement of second motion.*
- *It is further agreed between the parties that the husband will pay Rs. 1.25 Lakhs to the wife before Hon'ble High Court of Delhi at the time of quashing of FIR u/s 498A/406/34 IPC.*
- *It is agreed between the parties that the first motion petition shall be filed on or before 18.02.2016 and second motion petition shall be filed soon after the completion of the period of 6 months of the order u/s*



13B(1) H.M.A.

- *It is further agreed between the parties that the petitioner will withdraw the case u/s 125 CrPC which is pending in the court of Sh. AS Jayachandra, Ld. Principal Judge, Family Court, North East, Vishwas Nagar at the time of recording of statement u/s 13 B (1) HMA.*
- *It is further agreed between the parties that they have undertaken that after payment of settlement amount she shall not claim any amount either from respondent or his family members or their properties.*
- *It is further agreed between the parties that the petitioner shall render complete operation at the time of quashing (filing of quashing petition) of FIR u/s 498/406/34 of IPC shall take place after grant of decree of divorce by mutual consent.*
- *It is further agreed between the parties that from today onwards they shall not interfere in the personal lives of each other in any manner whatsoever.*
- *It is further agreed between the parties that both the parties shall cooperate with each other, file necessary application, affidavits in support for each other for the withdrawal of litigation pending against each other in the concerned court.*

8. 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.

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9. Taking into account the totality of facts and circumstances of the case, this court considers that the parties have entered into an amicable settlement out of their own free will, without any fear, force or coercion and they should be given an opportunity to lead their lives peacefully. No purpose will be served in continuing with the trial.

10. In view of the above, FIR no. 230/13 dated 14.09.2013 registered under Section 498A/406/34 IPC at PS Sonia Vihar and all the other proceedings emanating therefrom are quashed.

11. The present petition stands disposed of.

DINESH KUMAR SHARMA, J

AUGUST 10, 2023

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