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

+ **CRL.M.C. 4702/2023**

KEDAR PRASAD CHAUDHARY AND ORS. Petitioners

Through: **Mr.Swami Nath and Ms.Minakshi,
Advts. with petitioners in person.**

versus

STATE AND ANR. Respondents

Through: **Mr.Digam Singh Dagar, APP for the
State.**

SI Satyapreet, PS Jaitpur

Mr.Vipin Tiwari and

**Ms.PriteeJaiswal, Advts. with
respondent No.2 in person.**

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Date of Decision: 20.07.2023

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

CRL.M.A. 17969/2023 (for exemption)

Exemption is allowed subject to all just exceptions.

Application stands disposed of.

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1. Present petition has been filed seeking quashing of FIR No.424/2015 dated 01.06.2015 registered under Section 498A/406/34 IPC at PS Jait Pur, on the grounds of mutual settlement.
2. Learned Counsel for the petitioner submits that Respondent no.2/complainant married petitioner no.3 on 12.06.2005 in accordance with the Hindu Rites and Ceremonies. Out of the said wedlock, one child namely Rudra was born on 05.02.2008. However, on 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.
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 13.04.2023 before the Mediation Centre, Saket Courts, Delhi. As per the settlement it has been agreed between the parties that the petitioner no. 3 shall pay Rs. 1,00,000/- (Rupees One lakh) in full and final settlement of the entire dispute to respondent no. 2/complainant.
4. Ld. Counsel further submits that a divorce petition was also filed by Petitioner no3 and anEx-parte decree of divorce was granted vide order dated 06.02.2019 passed by Learned Principal Judge, Family Courts, South East District, Saket.



5. Furthermore, the Learned Counsel for the petitioners submits that since the parties have resolved all their differences amicably, therefore, it would be in the interest of justice to quash FIR No.424/2015 dated 01.06.2015 registered under Section 498A/406/34 IPC at PS JaitPurand all the proceedings emanating therefrom.
6. 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; ***YashpalChaudhrani and Others vs. State (Govt. of NCT Delhi) and Another***, 2019 SCC OnLine Del 8179.
7. Both parties are present in court and have duly been identified by the IO. Respondent no. 2 submits that she has entered the settlement voluntarily without any fear, force or coercion. She submits that other petitions have already been withdrawn or dismissed. And since the marriage between the parties has also been dissolved by Ex-parte divorce, granted vide order dated 06.02.2019, she has no objection if FIR No.424/2015 dated 01.06.2015 registered under Section



498A/406/34 IPC at PS JaitPur and all the proceedings emanating therefrom are quashed.

8. I have gone through the settlement dated 13.04.2023 which has been placed on record. The settlement agreement provides for the following terms and conditions:

- 1. It is agreed between the parties that the Second Party shall pay total amount of Rs. 1,00,000/- (Rupees one lakh only) to the First Party towards full and final settlement amount in respect of present FIR.*
- 2. That towards the above-mentioned settled amount of Rs. 1,00,000/-, asum of R.s. 10,000/- (Rupees ten thousand only) has been paid today on 13.04.2023 by the Second Party to the First Party and the same has been acknowledged and accepted by the First Party.*
- 3. That the present FIR No. 424/2015 has been registered against the accused persons on the complaint of First Party, for which parties shall move for quashing before the concerned Hon'ble High Court on or before 30.05.2023 and further, balance amount of Rs. 90,000/- (Rupees ninety thousand only) shall be paid by the Second Party to the First Party at the time of quashing of the present FIR, by way of DD/NEFT/RTGS.*
- 4. It is further agreed between the parties that upon compliance of the Present Settlement, as above, nothing shall remain due between the parties in respect of the present FIR and they shall not file any case (Civil or Criminal)/complaint regarding the same.*
- 5. It is also agreed between the parties that pursuant to the settlement reached between the parties, all the matters, which*



are pending between the parties before any Court/Authorities/Forum shall be deemed to have been settled post signing of this settlement.

9. Joint statement of Petitioner no.3 and Respondent no.2 has been recorded separately wherein they have stated that the settlement shall not effect legal rights, interest and title of their child namely Rudra Aryan in any manner.
10. Out of the total amount of Rs 1,00,000/- (One Lakh), the remaining settled amount has been paid to the Respondent no. 2/complainant vide DD No.573098 dated 22.05.2023 in the sum of Rs.90,000/- (Rupees Ninety Thousand) drawn on State Bank of India, Clement Town (Dehradun) in the name of Reetu Kumari.
11. 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.
12. In view of the settlement arrived at between the parties, FIR No.424/2015 dated 01.06.2015 registered under Section 498A/406/34 IPC at PS Jait Pur along with all the other proceedings arising therefrom is quashed.
13. Petition stands disposed of.



DINESH KUMAR SHARMA, J

JULY 20, 2023

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