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

+ **CRL.M.C. 3142/2022**

**KUSH SHARMA & ORS.**

..... Petitioners

Through: Mr. Dharmendra Priani and Mr.  
Sachin Bhardwaj, Advs.

versus

**STATE N.C.T. OF DELHI & ANR.**

..... Respondents

Through: Mr. Amit Sahni, APP for the State  
with SI Sangeeta Malik, PS Maurya  
Enclave.  
Dr. Manoj Gorgela, Mr. Varun  
Kumar, Mr. Auditya Veer and Mr.  
Suraj Prasad, Advs. for R-2.

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***Date of Decision: 25<sup>th</sup> January, 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 FIR no.337/2020 registered under Section 498A/406 IPC at PS Maurya Enclave.

2. Learned Counsel for the petitioner submits that Respondent no.2/complainant married petitioner no.1 on 04.05.2018 in accordance with the Hindu Rites and Ceremonies. However, on account of temperamental differences and mental incompatibility, the parties started living separately and the present FIR was registered.
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 04.12.2021 before the Delhi Mediation Centre, Rohini District Courts, Delhi. As per the settlement it has been agreed between the parties that the petitioner shall pay 16,00,000/- in full and final settlement of the entire dispute to respondent no. 2/complainant.
4. Pursuant to the settlement, a mutual divorce petition was also filed and a decree of divorce was granted vide order dated 31.03.2022 passed by Learned Judge, Family Courts, North District, Rohini.
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.337/2020 registered under Section 498A/406 IPC at PS Maurya Enclave and 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; ***Yashpal Chaudhrani and Others vs. State (Govt. of NCT Delhi) and Another***, 2019 SCC OnLine Del 8179.

7. Respondent No.2 has appeared through VC and has 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 a decree of divorce by mutual consent order/judgment dated 31.03.2022, she has no objection if FIR no.337/2020 registered under Section 498A/406 IPC at PS Maurya Enclave and all the proceedings emanating therefrom.

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

*1. It is mutually settled between the parties that the parties shall get dissolved their marriage by a 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 is settled that the accused/husband shall pay a total sum of Rs.16,00,000/- (Rupees Sixteen Lakhs only) to the complainant/wife as full and final settlement of all her claims past, present and future arising out of the marriage which shall include permanent alimony, stridhan, dowry articles, maintenance (past, present and future) and all other miscellaneous expenses.*

*3. The settlement amount of Rs.16,00,000/- (Rupees Sixteen Lakhs only) shall be paid by the respondent/husband to the complainant/wife by way of DD in the name of complainant/wife Tripta Sharma, as per the following schedule:*

- (i) A sum of Rs.4,00,000/- ( Rupees Four lakhs only) at the time of recording statements in First Motion Petition U/s.13B(1) of Hindu Marriage Act, 1955 which shall be filed by the respondent/husband within Two weeks from today*
- (ii) A sum of Rs.4,00,000/- ( Rupees Four lakhs only) shall be paid at the time of recording statements in Second Motion Petition U/s. 13B(2) of Hindu Marriage Act which shall be filed by the respondent/husband, as per law or by moving appropriate application for exemption of period of six months subject to the directions of the Hon'ble Family Courts.*
- (iii) Both the parties shall co-operate each others by signing both motion petitions and provide requisite affidavits and documents, as required.*
- (iv) A sum of Rs.8,00,000/- ( Rupees Eight Lakhs only) shall be paid at the time of quashing of the FIR mentioned above before the Hon'ble High Court of Delhi, New Delhi and the complainant shall co-operate for the same in all respect. The petition for quashing of the FIR shall be filed within one month from decree of divorce.*

*4. Both the parties shall not interfere in the life of each other in future and shall bear their own cost of litigations.*

*5. The present case shall be withdrawn by the complainant/wife after first motion but before second motion.*

*6. After compliance of the present settlement, there shall remain no case/claim/dispute due between the parties and that none of the parties shall file any civil or criminal proceedings against each other as well as their respective family members in future*

*with regard to the marriage and that if any other case/petition/complaint etc. between the parties is pending in any Court or Authority either against the parties or against their respective family members qua the same cause of action, the same shall be withdrawn/got disposed of by the respective party.”*

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.337/2020 registered under Section 498A/406 IPC at PS Maurya Enclave and all the other proceedings emanating therefrom are quashed.
11. In view of the above, the present petition stands disposed of.

**DINESH KUMAR SHARMA, J**

**JANUARY 25, 2023**

*Pallavi*