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

+ **CRL.M.C. 3599/2022**

KULBIR SINGH & ORS.

..... Petitioners

Through: Ms. Rachna Jasaiwal and Ms. Anju,
Advocates.

versus

THE STATE & ANR.

..... Respondents

Through: Mr. Raguvender Verma, APP for the
State and SI Vijay Raj Singh, PS
Patel Nagar.
Mr. Akshay Kumar and Mr. Dhiraj
Verma, Advocate for R-2.

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Date of Decision: 27.04.2023.

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 under section 482 Cr.P.C. seeking quashing of case FIR No. 414/2017 dated 26.12.2017 registered under sections 498A/406/34 of IPC at PS Patel Nagar. The present FIR was lodged on the statement of respondent no.2/complainant against the petitioners herein.
2. Brief facts of the case are that the son of the petitioner No.1 and respondent No.2complainant got married on 29.11.2011 as per Hindu rites and customs. No child was born out of the wedlock. However,

Neutral Citation Number :2023:DHC:2998

owing to temperamental differences the respondent No.2/complainant started residing separately from September 2017. Thereafter, the respondent No.2 lodged a complaint in CAW Cell, basis which the present FIR came to be registered. However, while the proceedings were underway, the son of petitioner no. 1 i.e. husband of the respondent No.2 expired on 05.05.2020 and his death certificate has also been placed on record. Ld. Counsel submits that the now the parties have voluntarily entered into an amicable settlement vide settlement agreement dated 28.05.2022 before the Delhi Mediation Centre, THC Courts, Delhi on the following terms and conditions:

“1. That the parties have agreed that the complainant shall not claim any permanent alimony or maintenance, streedhan, future claim or any right/claim (present, past and future) from the respondents.

2. That the petition for quashing of present FIR shall be moved by the respondents before Hon'ble High Court. The complainant shall cooperate to give statement, affidavit/ NOC and to do all these acts which may be required to be done before concerned Hon'ble High Court for quashing of present FIR.

3. That on the aforesaid acts being done as stipulated, all disputes, differences between the parties shall stand settled and satisfied for all times to come and no claim whatsoever shall remain surviving against each other. Both sides undertake not to initiate any proceedings against each other at any time in future in respect of their matrimony or ancillary thereto. The representations, complaints or other grievances raised by the parties before any Public Authority are deemed to have been fully and finally settled and satisfied. Such complaints etc. shall otherwise be treated to have been revoked /cancelled/ withdrawn.

4. That the parties have gone through the terms herein before recorded and have confirmed and verified the same to be correct and that they are going to sign it without any threat, pressure, coercion or undue influence from any quarter. Both sides undertake to abide by these terms.”

3. Ld. Counsel submits that since the parties have amicably resolved all their disputes and no longer wish to pursue the present complaint, the FIR may be quashed. In terms of the agreement there is no monetary exchange between the parties towards the settlement. Ld. Counsel for the respondent submits that since the husband of the respondent No.2/complainant has expired and the respondent No.2 has amicably settled the matter with the petitioners, she does not wish to proceed with the present complaint.
4. The parties are present in person and have been duly identified by the IO. IO has also verified the fact regarding the death of the son of petitioner no.1. Respondent No.2 states that she has resolved all her disputes with the petitioners and has no grievance against the petitioners. She states that she no longer wishes to pursue the present complaint and has no objection if the same is quashed. She states that she has entered into the settlement voluntarily without any fear, force or coercion.
5. I have considered the submissions. The complainant/ respondent No.2 does not wish to pursue the present FIR. The chances of conviction would be bleak and remote, given that the complainant does not wish to pursue the present complaint on account of the amicable settlement. Moreover, the husband of the respondent No.2 has already expired. In such circumstances continuance of the present FIR would serve no

Neutral Citation Number :2023:DHC:2998

useful purpose and may cause prejudice to the petitioners 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 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.

6. 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. 414/2017 dated 26.12.2017 registered under sections 498A/406/34 of IPC at PS Patel Nagar and all proceedings emanating therefrom are quashed.
7. Accordingly, the present petition stands disposed of.

DINESH KUMAR SHARMA, J

APRIL 27, 2023/AR