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

+ **CRL.M.C. 3645/2022 & CRL.M.A. 4980/2023**

BANEET GUPTA & ORS.

..... Petitioners

Through: Mr. Sujeet Beniwal and Mr. Tushar
Rohmitra, Advocates.

versus

THE STATE & ANR.

..... Respondent

Through: Mr. Hemant Mehla, APP for State
with Mr. Dipanshu Meena, Advocate
and SI Neeraj PS Vijay Vihar.

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Date of Decision: 13.04.2023

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 seeking quashing of case FIR No. 0017/2021 dated 13.01.2021 registered under Sections 498A/406/34 IPC at P.S. Vijay Vihar, New Delhi. The said FIR was lodged at the instance of the respondent No.2/complainant.

2. Facts, in brief are that the parties were married on 06.07.2018, as per Hindu rites and customs in Delhi. No child was born out of this wedlock. Thereafter owing to temperamental differences, both the parties started residing separately since 27.09.2019. Subsequently, the respondent No.2/complainant lodged a complaint, basis which the present FIR came to

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be registered under Sections 498A/406/34 IPC at P.S. Vijay Vihar, New Delhi, against the petitioners herein. Chargesheet has been filed and the matter is pending adjudication before the learned MM Rohini Courts, Delhi. It has been submitted that besides the present FIR, a complaint case u/s 12, PWDV Act titled *Poonam vs. Baneet Gupta & Ors.* was filed. Another petition u/s 125 Cr.P.C. titled *Poonam vs Baneet Gupta* was filed. It has been submitted that both these petitions have been disposed of. Moreover, the petitioner No.2 also got registered another FIR No. 500/2019 u/s 452/323/506/34 IPC at PS Jahangir Puri, Delhi against the respondent No.2 and her family members which is also pending before the learned MM, Rohini Courts, Delhi.

3. Learned counsel submits that while the proceedings were underway, with the intervention of family members and well-wishers, the parties amicably settled all their disputes before the Mediation Centre, Rohini Courts, Delhi vide Compromise/settlement deed dated 21.04.2022 on the following terms and conditions:

“1) It is mutually settled between Baneet Gupta and Ms. Poonam Aggarwal that they 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)The Baneet Gupta shall pay a total sum of Rs. 8,00,000/- (Rs. Eight Lakhs Only) in full and final settlement of all claims of the Ms. Poonam Aggarwal for past, present and future arising out of the marriage with her which shall include permanent alimony, istridhan, dowry articles, maintenance and all other miscellaneous expenses.

3) *The settlement amount of Rs. 8,00,000/- (Rs. Eight Lakhs Only) shall be paid by Baneet Gupta to Ms. Poonam Aggarwal by way of DD/RTGS/NEFT or any other electronic mode in the following manner:*

(i) *A sum of Rs.2,00,000/- (Rs. Two Lacs Only) at the time of recording of statements in First Motion Petition U/s 13B (1) of Hindu Marriage Act which shall be filed by the parties within 15 days from today.*

(ii) *A sum of Rs.2,00,000/- (Rs. Two Lacs Only) at the time of recording of statements in Second Motion Petition U/s13B (2) of Hindu Marriage Act which shall be filed within one month after passing order in the First Motion u/s 13 (B) of Hindu Marriage Act or at the earliest by moving appropriate application for exemption of time limit.*

(iii) *A sum of Rs.2,00,000/- each (Rs. Two Lakhs Only each) at the time of quashing of both FIRs mentioned above which shall be filed by the parties within two months of grant of decree of divorce. The parties shall co-operate each other in quashing of aforesaid FIRs and shall give necessary statements/affidavits, if required.*

4) *The cases U/S. 12 DV Act as well as petition U/S. 125 Cr.P.C. shall be withdrawn by Ms. Poonam Aggarwal from the Ld. Courts concerned within one week of passing the decree in first motion.*

5) *Both the parties shall not interfere in the life of each other in future.*

6) *After compliance of the terms of the present settlement, there shall remain no dispute due between the parties arising out of the said*

marriage and that none of the parties shall file any civil or criminal proceedings against each other in future and that if any other case/petition/complaint etc. between the parties is pending in any Court or Authority, the same shall be withdrawn/got disposed of by the respective party.”

4. Learned counsel for the petitioner submits that in terms of the settlement the parties filed a petition for divorce by mutual consent, whereby, vide decree of divorce dated 10.06.2022 the learned Principal Judge, Family Courts, North, Rohini Court, Delhi dissolved the marriage between the parties by mutual consent. Learned counsel submits that since the parties have amicably settled all their disputes and have been already granted divorce, thus no useful purpose would be served in continuation of the present FIR and consequent proceedings arising therefrom and seeks quashing of the same.

5. The petitioners are present in person before this Court and the respondent No.2/complainant is appearing through VC. The parties have been duly 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 litigations between the parties have already been withdrawn or dismissed. She states that the marriage between the parties has also been dissolved by a decree of divorce dated 10.06.2022. She further states that as per the terms of the settlement she has already received an amount of Rs. 6,00,000/- from the petitioners. She states that the remaining amount of Rs. 2,00,000/- is to be handed over to her today. Learned counsel for petitioner undertakes that since respondent no. 2 and her counsel are appearing through VC, they shall supply the Demand Draft bearing DD No.

894925 dated 11.04.2023 for the remaining settled amount of Rs. 2,00,000/- drawn on State Bank of India in favour of Poonam to the respondent No. 2 or her counsel by today evening. Respondent No.2/complainant states that she has no objection if the present FIR and all the proceedings emanating therefrom are quashed. An affidavit on her behalf to this effect has also been filed along with the present petition.

6. I have considered the submissions.

7. This court considers that it is better to put a quietus to disputes of matrimonial nature wherein the parties have amicably settled all their disputes and no longer wish to pursue the complaint on account of such settlement. In the present case, the dispute between the parties has been settled and continuance of FIR No. 0017/2021 would serve no useful purpose and may cause prejudice to the petitioners and be an exercise in futility. The chances of conviction would be bleak given that the parties do not wish to pursue the present complaint on account of the settlement. I do not see any reason to reject the settlement. Moreover, the parties have already been granted divorce and the settled amount has been paid to the complainant. The Supreme Court and this Court have time and again held that cases arising out of matrimonial disputes 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.

8. Considering 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

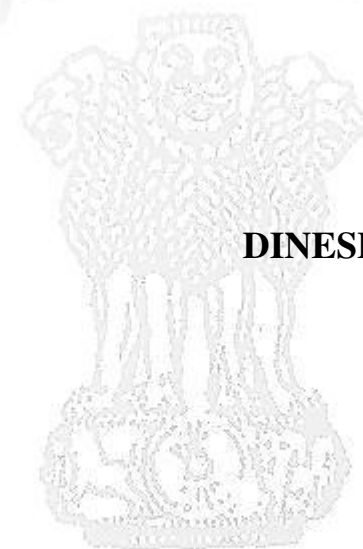
given an opportunity to lead their lives peacefully. No purpose will be served in continuing with the complaint especially when the complainant no longer wishes to pursue the present complaint.

9. In view of the above, case FIR No. 0017/2021 dated 13.01.2021 registered under Section 498A/406/34 IPC at P.S. Vijay Vihar, New Delhi and all other criminal proceedings emanating therefrom are quashed.

10. The present petition along with all the pending applications stands disposed of.

APRIL 13, 2023/AR

DINESH KUMAR SHARMA, J



न्यायमेव जयते