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

+ **CRL.M.C. 3683/2022**

AMIT SHARMA AND OTHERS

..... Petitioners

Through: Ms. Sunita Singh, Adv.

versus

THE STATE AND ANOTHER

..... Respondents

Through: Mr. Hemant Mehla, APP for the State
with SI Sonu Kumar, PS Sultan Puri.

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Date of Decision: 23rd February, 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 the quashing of FIR No. 397/2012 registered at PS Sultan Puri under Sections 498A/406/34 IPC.
2. Brief facts of the case are that the marriage between Petitioner no. 1 and Respondent no. 2 was solemnised on 16.02.2010 according to Hindu rites and ceremonies. No child was born out of this wedlock. In the petition, it has been stated that there was an irretrievable

breakdown of the marriage due to incompatible behavior conduct and temperament. Accordingly, the parties started living separately since 13.07.2013. Thereafter, Respondent no. 2 gave a complaint to CAW Cell, on the basis of which the present FIR was registered against the petitioners. The charge sheet in the aforesaid case has already been filed.

3. Learned Counsel 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 25.02.2016 before the Delhi Mediation Centre, Rohini District Courts, Delhi. Pursuant to the settlement, the parties filed a mutual divorce petition and the decree of divorce was granted on 25.05.2022 by the learned Principal Judge, Family Court, Rohini, Delhi.
4. 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. 397/2012 registered at PS Sultan Puri under Sections 498A/406/34 IPC and all other proceedings emanating therefrom.
5. 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.

6. 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 as per the settlement, her husband/petitioner No.1 had to pay Rs. 10,00,000/- towards the full and final settlement of the entire dispute and she has already been paid the said amount. She has stated that she has no objection if FIR No. 397/2012 registered at PS Sultan Puri under Sections 498A/406/34 IPC and all other proceedings emanating therefrom are quashed.
7. In view of the amicable settlement and the statement of respondent no.2, FIR No. 397/2012 registered at PS Sultan Puri under Sections 498A/406/34 IPC and all other proceedings emanating therefrom are quashed.
8. The present petition stands disposed of.

DINESH KUMAR SHARMA, J

FEBRUARY 23, 2023/Pallavi