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

+ **CRL.M.C. 3871/2022**

MANISH KHILNANEY & ORS. Petitioners

Through: Mr.Manan Soni, Adv. with
Petitioners.

versus

STATE & ANR. Respondents

Through: Mr. Hemant Mehla, APP for the state
with AS1 Attar Singh, PS Malviya
Nagar with Razia Sultana, Adv. for
R-2 with respondent No.2

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Date of Decision: 01.09.2023.

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. PC seeking quashing of FIR No. 167/2021 registered at PS Malviya Nagar under Sections 498A/406/506/34IPC and all the proceedings emanating therefrom.
2. Learned Counsel for the petitioner submits that Respondent

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no.2/complainant married petitioner no.1 on 06.02.2019, in accordance with the Hindu Rites and Ceremonies in Delhi. No child was born out of the said wedlock. However, on account of temperamental differences and mental incompatibility, the parties started living separately since 07.07.2019 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 Joint Statement dated 03.09.2021 during the first motion under Section 13(1) of the Hindu Marriage Act(HMA) in the court of Ld MM. Praveen Kumar, Family Court, Saket Court, wherein both the parties stated that they have amicably resolved all their disputes pertaining to this marriage including maintenance (present, past and future), dowry, permanent alimony & stridhan and as per the settlement it has been agreed between the parties that the petitioner shall pay a sum of Rs.4,00,000/- (Four Lakhs Only) as a full and final settlement, Out of which Rs 2,00,000/-(Two Lakhs only) has been paid and today a demand draft bearing DD No.048942 dated 01.08.2023 for an amount of Rs.2,00,000/- drawn on Axis Bank in the name of Sikha has been handed over to the respondent No.2 in court today.
4. Pursuant to the settlement, a mutual divorce petition was also filed and the first motion has already been granted vide order dated



03.09.2021 passed by Learned MM. Praveen Kumar, Family Court, Saket Court, and the second motion shall be filed within a month.

5. Learned Counsel for the petitioners, therefore, submits that since the parties have resolved all their differences and it would be in the interest of justice to quash FIR No. 167/2021 registered at PS Malviya Nagar under Sections 498A/406/506/34IPC and all the proceedings emanating therefrom.
6. It is a settled proposition of law 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 this regard 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. 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.



8. In view of the above, FIR No. 167/2021 registered at PS Malviya Nagar under Sections 498A/406/506/34IPC and all the proceedings emanating therefrom are quashed.
9. The present petition along with all the pending applications stands disposed of.

DINESH KUMAR SHARMA, J

SEPTEMBER 1, 2023/Pallavi