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

+ **CRL.M.C. 5991/2023**

PAWAN KUMAR & ANR.

..... Petitioners

Through: Mr.Ankit Dixit, Adv. with petitioners
in person.

versus

**STATE NCT OF DELHI THROUGH SHO PS PALAM VILLAGE,
NEW DELHI & ANR.**

..... Respondents

Through: Mr.Amit Sinha, APP for the State.
SI Sandeep Yadav, PS Palam Village
Respondent no.2 in person.

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Date of Decision: 22.08.2023

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

CRL.M.A. 22483/2023 (for exemption)

Exemption allowed subject to just exceptions.

The application stands disposed of.

CRL.M.C. 5991/2023

1. The Present petition has been filed under section 482 Cr.P.C seeking quashing of FIR No. 474/2018 dated 11.12.2018 registered under

CRL.M.C. 5991/2023

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Section 323/342/506/34 IPC at PS Palam Village, Delhi and all the proceedings emanating therefrom.

2. Learned Counsel for the petitioner submits that Respondent no.2/complainant married petitioner no.1 on 09.05.2016, in accordance with the Hindu Rites and Ceremonies in Delhi. One child was born out of the said wedlock namely, Aarush. However, on account of temperamental differences and mental incompatibility, the parties started living separately since 02.12.2018 and instituted multiple litigations against each other and their respective families including the present FIR. He submits that the chargesheet, in this case, has already been filed and the matter is pending before the Learned MM, Dwarka Court, New Delhi.
3. Learned Counsel further submits that during the pendency of the proceedings, the parties have resolved their disputes amicably and Respondent No.2 is residing with his husband/petitioner no.1. However, now the parties have entered into a settlement dated 22.12.2021.
4. I have gone through the settlement dated before the Counselling Cell, Family Courts, Dwarka Courts, New Delhi has been placed on record, terms and conditions of which read as under:

1. It is mutually agreed between the parties that they will start living together along with son namely Aarush aged about 5 years at House no. RZD-1/A-23, Street No. 5 Mahaveer enclave, Palam, New Delhi-110045 w.e.f. from 23rd December, 2021.



2. *It is further agreed between the parties that the entire household expenses as well as educational expenses of child shall be borne by the Husband / Respondent.*
3. *It is further agreed between the parties that both the parties will fulfill all their marital obligations towards each other and will not indulge in domestic violence and relatives of the either shall not interfere in their lives.*
4. *It is further agreed between the parties that both the parties will not repeat the mistakes committed in the past and provide their best cooperation to each other.*
5. *It is also agreed between the parties that the respondent / husband will handover all ornaments and educational documents to wife/petitioner which belongs petitioner.*
6. *It is also agreed between the parties that petitioner will withdraw her cases U/s 12 Domestic Violence case pending in the court of Ld. MM Ms. Charu Dhankar, Dwarka, New Delhi after six months w.e.f. of 23/12/2021 and case bearing GP No. 23/2020 Guardianship which is pending in the court of Sh. Sanjay Garg –1, Ld. Principal Judge, Family Court, Dwarka, New Delhi on 04/05/2022.*
7. *It is further agreed between the parties that after six months both parties will approach Hon'ble High Court of Delhi for quashing of FIR No. 474/2018, Ps. Palam, U/s 498A/506/342/325/323/34 IPC if both parties will live together happily.*
8. *It is also agreed between the parties that respondent shall take the petitioner from parental house of petitioner and will have liberty to visit her parental house.*

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. 474/2018 dated 11.12.2018 registered under Section 323/342/506/34



IPC at PS Palam Village, Delhi and all the proceedings emanating therefrom.

6. It is also pertinent to mention here that another FIR no.71/2021 dated 03.03.2021 under Section 498A/406/34 IPC at PS Mohan Garden, New Delhi has also been lodged and the charge sheet in the aforesaid case has already been filed before the concerned MM and same is now fixed for 07.10.2023 for hearing.
7. 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.
8. 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 other petitions have already been withdrawn or dismissed. And since the parties have amicably settled, she has no objection FIR no. FIR No.



474/2018 dated 11.12.2018 registered under Section 323/342/506/34 IPC at PS Palam Village, Delhi and all the proceedings emanating therefrom.

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.474/18 dated 11.12.2018 registered under Section 323/342/506/34 IPC at PS Palam Village, Delhi, Delhi and all the proceedings emanating therefrom are quashed.
11. The present petition along with all the pending applications stands disposed of.

DINESH KUMAR SHARMA, J

AUGUST 22, 2023

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