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

+ CRL.M.C. 4314/2022, CRL.M.A.4141/2023

SURESH & ORS.

..... Petitioners

Through: Mr. Sarfaraz Nabi, Adv.

versus

STATE NCT OF DELHI AND ANR.

..... Respondents

Through: Mr. Digam Singh Dagar, APP for the
State with SI Deval Shalkhlan, PS
Harsh Vihar.
Mr. Zahid Hanief, Adv. for R-2 with
R-2 in person.

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Date of Decision: 2nd May, 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 petitioner has been filed under Section 482 Cr. PC seeking quashing of FIR NO. 0078/2020 registered at PS Harsh Vihar under Sections 498A/406/34 IPC and Section 4 Dowry Prohibition Act, 1961.
2. Facts, in brief, are that Petitioner No.1 Suresh and respondent No. 2/complainant Sarita got married on 29.11.2017 according to Hindu rites and customs. No child was born out of this wedlock. Thereafter

marital differences cropped up between the parties and the parties started living separately from 08.04.2018. Subsequently, respondent No.2 lodged the complaint against the petitioners in the Crime Against Women Cell, Delhi and FIR No. 0078/2020 registered at PS Harsh Vihar under Sections 498A/406/34 IPC and Section 4 Dowry Prohibition Act, 1961 against the petitioners.

3. Learned Counsel for the petitioner submits that pursuant to the intervention of respectable persons and well-wishers, the matrimonial disputes and differences between have been settled. Attention has been drawn to the settlement deed dated 10.03.2021 executed between the parties wherein it has been agreed that petitioner No.1 and respondent No.2 will get their marriage dissolved by a decree of divorce by way of mutual consent. It has been submitted that in view of the settlement arrived at between the parties the above mention FIR is liable to be quashed.
4. The scope of Section 482 provides for extraordinary powers to the High Court and these powers could be exercised to prevent abuse of the court process or to secure justice. In cases where the offences are not computable in nature, the parties on account of an amicable settlement invoke the inherent power under Section 482 Cr.P.C. for quashing the proceedings on the plea that continuance thereof would merely be an abuse of process of law.
5. It is pertinent to mention that the apex court and this court have repeatedly encouraged genuine settlement of marital disputes. Reliance may be placed on *B.S.Joshi vs. State of Haryana* (2003) 4

SCC 675, *Yashpal Chaudhrani and Others vs. State (Govt. of NCT Delhi) and Another*, 2019 SCC OnLine Del 8179, *Jitendra Raghuvanshi v. Babita Raghuvanshi*, (2013) 4 SCC 58 and *K. Srinivas Rao v. D.A. Deepa*, (2013) 5 SCC 226.

8. Today, parties are present in the Court and have been duly identified by the Investigating Officer. They state that in terms of the settlement agreement, they filed the mutual consent divorce petition which has been granted to them vide final decree dated 07.10.2021 passed by learned Judge, Family Court, Shahdara District, KKD Courts, Delhi. Respondent No.2/complainant has also stated that she has settled all her matrimonial disputes with the petitioners out of her own free will, without pressure, coercion or undue influence and does not want to pursue the present case any further and requests that the present FIR and the proceeding emanating therefrom may be quashed.
9. Since the parties have amicably settled their matrimonial disputes. This Court considers that it would be in the interest of justice and social harmony that parties are given a chance to move on. In view thereof the case FIR NO. 0078/2020 registered at PS Harsh Vihar under Sections 498A/406/34 IPC and Section 4 Dowry Prohibition Act, 1961 and all the proceedings emanating therefrom are quashed.
10. The present petition stands disposed of.
11. The next date previously given i.e. 24.08.2023 stands cancelled.

DINESH KUMAR SHARMA, J

MAY 2, 2023/Pallavi

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