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

+ **CRL.M.C. 6173/2023**

SHYAMA DEVI & ORS.

..... Petitioners

Through: Mr. Sachin Bansal, Ms.Arati Sharma,
Advts.

versus

NCT OF DELHI

..... Respondent

Through: Mr. Digam Singh Dagar, APP for the
State with SI Naveen Sharma, PS
Bawana.

Mr. Abhinav Rai, Adv. for R-2

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Date of Decision: 28.08.2023

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

CRL.M.A. 23130/2023 (exemption)

Exemption is allowed subject to all just exceptions

Application is disposed of.

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CRL.M.C. 6173/2023

1. The present petition has been filed for quashing FIR No. 33/2013 registered at PS Bawana, under Section 498A/406/34 IPC.
2. Learned Counsel for the petitioner submits that Respondent no.2/complainant married petitioner no.2 on 18.02.2003 in accordance with the Hindu Rites and Ceremonies. Out of this wedlock one child namely, Baby Saniya was born on 18/11/2003. However, on account of temperamental differences and mental incompatibility, the parties started living separately and instituted multiple litigations against each other and their respective families including the present FIR. He submits that the charge sheet, in this case, has already been filed against Petitioner no. 1, 3, 4.
3. Learned counsel for the petitioner further submits that the complainant in the present case has already expired on 07.06.2021. The death certificate has been placed on the record. Further, as per the charge sheet, there are only five witnesses i.e. complainant and police officials.
4. It is further submitted by the Ld. Counsel for the petitioner that after the demise of the Complainant, the cases filed by the Complainant and the daughter, during her lifetime, have been withdrawn by the daughter Ms. Saniya and the same had been disposed of. There is no other litigation pending pertaining to the parties herein, before any court except the present FIR.
5. It has also been submitted that the parties have now reunited and



living together peacefully. There is no other prime witness except the complainant to prove the charges against the accused.

6. Furthermore, the Learned Counsel for the petitioners submits that since the parties have resolved all their differences amicably and are residing together, therefore, it would be in the interest of justice to quash FIR No. 33/2013 registered at PS Bawan, under Section 498A/406/34 IPC and all the proceedings emanating therefrom.
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. All the parties are present in court and have duly been identified by the IO. The daughter of the deceased complainant submits without any fear, force, or coercion that she has no objection if case FIR No. 33/2013 registered at PS Bawana, under Section 498A/406/34 IPC and all the proceedings emanating therefrom are quashed. An affidavit



of no objection on behalf of the daughter of the deceased complainant is also on record.

9. Taking into account the totality of facts and circumstances of the case, this court considers that since the daughter of the deceased complainant has reunited with the petitioners, the pendency of the present FIR and consequential proceedings would serve no purpose.
10. In view of the above, FIR No. 33/2013 registered at PS Bawana, under Section 498A/406/34 IPC, and all the other proceedings emanating therefrom are quashed.
11. The present petition stands disposed of.

DINESH KUMAR SHARMA, J

AUGUST 28, 2023

Pallavi