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

+ CRL.M.C. 4334/2022 & CRL.M.A 17766/2022

DEV KARAN & ORS. Petitioners

Through: Mr. Ashok Kotnala, Advocate.

versus

STATE (NCT OF DELHI) & ANR. Respondents

Through: Mr. Pradeep Gahalot, APP for the State with
SI Ashwani, DIV/37

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Date of Decision: 11th April, 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 for quashing of FIR No.47/2017 dated 27.01.2017 registered at PS Saket, Delhi, under Sections 498A/406/34 IPC. The said FIR was lodged at the instance of the respondent No. 2/ wife against the petitioners herein.

2. Facts in brief are that the marriage between the petitioner No.1 namely Dev Karan and respondent No.2/complainant was solemnized on 21.04.2006 as per Hindu rites and customs. Two children were born out of this wedlock. Thereafter owing to temperamental differences respondent no.2/complainant lodged a complaint, on the basis which, the present FIR against the petitioners herein came to be registered. It has been submitted that the

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Chargesheet has been filed and the matter is pending adjudication before the learned MM Saket Court, South Delhi.

3. Learned Counsel further submits that while the proceedings were underway, both the parties amicably settled all their disputes and started residing together as husband and wife along with their two children at the address of the petitioner No.1. Learned counsel submits that since the parties have settled all their disputes and the complainant does not wish to pursue the present complaint, no useful purpose would be served with the continuation of the present complaint and the subsequent proceedings arising therefrom and seeks quashing of the same. Learned counsel submits that a family settlement dated 31.08.2022 was arrived at between the parties on the following terms and conditions:

“Whereas due to some temperamental issues and misunderstanding, the second party had filed a criminal complaint against the first party by which a case FIR NO 47/17, p.s. Saket, U/s 498A/406/34 IPC has been registered against all the above family members of first party.

And whereas, the police has filed charge sheet before the court of Ld.MM, Saket Court, NEW DELHI against the first party.

And whereas the above case is now pending for framing of charge before the court of Ms. Rashi Raheja, Ld. M.M. Saket Court, and it is fixed now for 07/09/2022.

And whereas the second party Is Jiving happily and peacefully with her husband at her above stated matrimonial house.

And whereas at this stage, with the Intervention of common friends, relatives and well wishers, both the parties have amicably settled their disputes on the following terms and Conditions:-

That no members of first party shall create any kinds of problems or difficulties with the second party.”

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4. The parties are present and have been duly identified by the IO. Respondent No.2/wife has stated that she was married to the petitioner No. 1 namely Dev Karanon 21.04.2006. She has stated that she has amicably settled all the grievances with the petitioners and wants to put a quietus to the same. She further states that pursuant to the settlement, the petitioner No.1 and her are living together as husband and wife, happily and peacefully. She has affirmed the factum of the settlement as recorded on 31.08.2022 between her and the petitioners and states that settlement has been done voluntarily of her own accord without any duress, coercion or undue influence. She does not oppose the prayer made by the petitioners seeking the quashing of the FIR, nor does she want them to be punished in relation thereto. She states that she has no objection if the present FIR and all criminal proceedings emanating therefrom are quashed. The IO has also testified to the fact that the parties are living together.

5. I have considered the submissions and perused the records. The parties have amicably settled all their disputes and are living together as husband and wife happily and peacefully. The complainant/ respondent No.2 does not wish to pursue the present FIR. In such circumstances continuance of FIR No. 47/2017 would serve no useful purpose and may cause prejudice to the petitioner and be an exercise in futility. The chances of conviction would also be bleak and remote, given that the complainant does not wish to pursue the present complaint on account of the amicable settlement. I do not see any reason to reject the settlement especially since the parties have been residing together now and have settled all their disputes. This court considers that it is better to put a quietus to the dispute in matrimonial matters where the wrong is basically private or personal in nature and the

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parties have amicably resolved their entire dispute. The Supreme Court and this Court have time and again held that cases arising out of matrimonial differences should be put to quietus if the parties have arrived upon a genuine settlement. Reliance can be placed on *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. Considering the totality of facts and circumstances of the case and in view of the submissions of respondent no.2/complainant, the case FIR No.47/2017 dated 27.01.2017 registered at PS Saket, South Delhi, under Sections 498A/406/34 IPC, and all consequential proceedings emanating therefrom are quashed.

7. Accordingly, the present petition along with all pending applications stands disposed of.

DINESH KUMAR SHARMA, J

April 11, 2023