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

+ **CRL.M.C. 4470/2022**

**MOHIT @ MOHIT ATTRI AND & ORS. .... Petitioners**

Through: **Mr.H.S.Saini and Mr.Gaurav  
Koundal, Advocates**

**versus**

**THE STATE & ANR.**

**..... Respondents**

Through: **Mr.Digam Singh Dagar, APP for the  
State.  
SI Pravesh, PS Nihal Vihar.  
Mr.Narender Kumar and  
Mr.Polachalan K.A., Advocates for  
R-2 with R-2 in person.**

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***Date of Decision: 14.03.2023***

**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 FIR no.0875/2019 registered under Section 498A/406/34 IPC at PS Nihal Vihar.
2. Learned Counsel for the petitioner submits that Respondent no.2/complainant married petitioner no.1 on 25.01.2019 in accordance with the Hindu Rites and Ceremonies. However, on account of temperamental differences and mental incompatibility, the parties started living separately from 31.05.2019. Respondent no. 2 filed a

complaint in the CAW cell against the petitioner on 06.06.2019 and thereafter the said complaint was converted into the above-mentioned FIR. The chargesheet in the present case has been filed.

3. Learned Counsel for the petitioner submits that during the pendency of the proceedings, the parties have resolved their disputes amicably and in furtherance thereof, they have entered into a settlement agreement dated 01.04.2021 before the Delhi Mediation Centre, Tis Hazari Courts, Delhi. As per the settlement it has been agreed between the parties that the petitioner shall pay a sum of Rs 2,50,000/- in full and final settlement of the entire dispute to respondent no. 2/complainant. It has also been agreed that the petitioner shall give certain articles to respondent no. 2 as well.
4. Pursuant to the settlement, a mutual divorce petition was also filed and a decree of divorce was granted vide order dated 20.04.2022 passed by Learned Judge, Family Courts (West), Tis Hazari Courts, Delhi. 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.0875/2019 registered under Section 498A/406/34 IPC at PS Nihal Vihar and all the proceedings emanating therefrom.
5. 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.

6. 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 she has received the amount and since the marriage between the parties has also been dissolved by a decree of divorce by mutual consent order/judgment dated 20.04.2022, she has no objection if FIR no.0875/2019 registered under Section 498A/406/34 IPC at PS Nihal Vihar and all the proceedings emanating therefrom are quashed.
8. I have gone through the settlement which has been placed on record. The settlement agreement provides for the following terms and conditions:
  1. *That due to long separation and temperamental differences between the parties, there are no prospects of reunion of matrimony. The parties therefore have mutually decided to part ways peacefully. The respondent no. 1 has undertaken to pay a total sum of Rs.2,50,000/-(Rupees Two Lakh Fifty Thousand only) alongwith articles as per annexure A to the complainant by way of full and final settlement of the matrimonial dispute including the dowry articles, claim towards past, present and future maintenance, permanent alimony and other receivables.*
  2. *That before filing of the first motion respondents shall be handed over the articles as per annexure A to the complainant at her house under proper receipt except gold articles ie. gale ka haar, tops and one gents ring which shall be handed before the court at the time of first motion.*

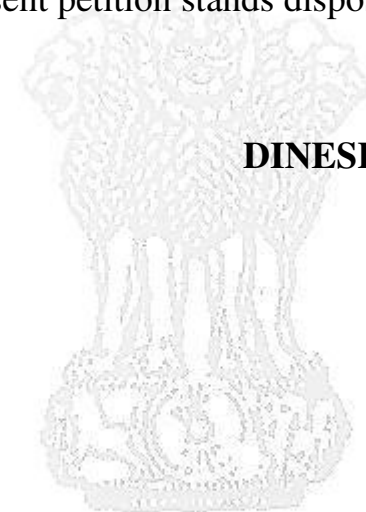
3. *That the Divorce Petition on the ground of mutual consent i.e. first motion petition shall be filed by the parties within one month from today. At the time of recording their statements in the said case, the respondent shall pay a sum of Rs.1,50,000/- (Rupers One Lakh fifty thousand only) out of the total settlement amount by way of Demand Draft / Pay Order drawn in favour of complainant.*
4. *That the parties shall be moving the divorce petition for second motion within statutory period. At the time of recording of the statements of Second Motion the respondent / husband shall pay a sum of Rs. 1,00,000/- (Rupees One Lakh only) out of the settlement amount, by way of demand-draft/pay order drawn in favour of complainant.*
5. *That after finalization of second motion complainant shall withdraw the present case before Ld. Referral Court.*
6. *It is mutually agreed between the parties that within one month of recording the statement of second motion, respondent no. 1 and his family members shall move appropriate petition in the Hon'ble High Court of Delhi urging for quashing the FIR No. 875/19, PS Nihal Vihar, in view of the settlement of matrimonial disputes with complainant. The complainant has undertaken to co-operate in their said endeavour viz. preparation of the petition, signing, swearing affidavits, appearing in court and making statement etc. before the Hon'ble High Court of Delhi.*
7. *That in case of default from either side in carrying out the terms of this settlement, he/she shall be liable to pay a sum of Rs.50,000/- (Rupees Fifty thousand only) by way of penalty/compensation to the other side besides refunding/returning the benefits received hereunder.*
8. *That on the aforesaid acts being done as stipulated, all disputes, differences between the parties shall stand settled and satisfied for all times to come and no claim whatsoever shall remain surviving against each other. The parties undertake not to rake up or initiate any issue or claim regarding their matrimonial life before any Court, Forum or Authority at any time in future.*

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.0875/2019 registered under Section 498A/406/34 IPC at PS Nihal Vihar and all the other proceedings emanating therefrom are quashed.
11. Accordingly, the present petition stands disposed of.

**DINESH KUMAR SHARMA, J**

**MARCH 14, 2023**

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