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

+ **CRL.M.C. 4754/2022**

PUNEET VERMA & ORS.

..... Petitioners

Through: Mr. Rahul Nagpal and Ms. Pooja
Gupta, Advocates with petitioners.

versus

THE STATE (NCT OF DELHI) AND ANR.

..... Respondents

Through: Mr. Raguvender Verma, APP for the
State with SI Vishwa Sharma, PS
Ashok Vihar.

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Date of Decision: 08.05.2023.

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. 503/2015 dated 21.09.2015, registered at PS Ashok Vihar, 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 Puneet Verma and respondent No.2/complainant was solemnized on 16.05.2010 as per Hindu rites and customs in Delhi. No. Two children were born out of the said wedlock, a female child,

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namely, Toshani and Male Child namely Arjun. Thereafter owing to temperamental differences, both the parties are residing separately since 27.11.2014. Subsequently, respondent no.2/complainant lodged a complaint against the petitioners in the Crime Against Women Cell, Delhi and FIR No. 503/2015 dated 15.01.2021, registered at PS Ashok Vihar, Delhi, under Sections 498A/406/34 IPC against the petitioners. It has been submitted that the matter is pending adjudication before the Learned MM, Mahila Court, Northwest, Rohini Delhi.

3. Learned counsel submits that while the proceedings were underway, with the intervention of family members and well-wishers, the matrimonial dispute, and differences between the parties was amicably settled. Attention has been drawn to the Compromise/settlement deed dated 22.08.2019 on the following terms and conditions:-

1)The complainant/wife and accused/husband shall get dissolved their marriage by a decree of divorce by mutual consent without leveling allegations and counter-allegations against each other in accordance with law before the Court of competent jurisdiction at Delhi.

2)The accused/husband shall pay a total sum of Rs.12,00,000/- (Rupees Twelve Lacs Only) to the complainant/wife in full and final settlement towards all claims of the complainant/wife & children past, present and future arising out of the marriage with accused/husband which shall include their permanent alimony, stridhan, maintenance (past, present & future), property and all other miscellaneous expenses including maintenance of both the minor children.

3)The settlement amount of Rs.12,00,000/- (Rupees

Twelve Lacs Only) shall be paid by the accused/husband to the complainant/wife, in the following manner:-

i)A sum of Rs.4,00,000/-(Rupees Four Lacs Only) at the time of recording of statement in First Motion Petition U/s 18B(1) of Hindu Marriage Act, 1955 which shall be filed by the parties jointly on or before 05.09.2019.

ii)A sum of .4,00,000/-(Rupees Four Lacs Only) at the time of recording of statement in Second Motion Petition U/s 13B(2) of Hindu Marriage Act, 1955 which shall be filed by the parties jointly in accordance with law.

iii)Remaining amount off Rs.4,00,000/- (Rupees Four Lacs Only) shall be paid before Hon'ble High Court of Delhi at the time of quashing of FIR No.503/15, under Section 498A/406/34 IPC, P.S. Ashok Vihar, State Vs. Puneet & Ors. Against accused/husband and his family members, which shall be filed by the accused persons within two months of passing of decree of divorce by mutual consent in the second motion petition. It is agreed that out of the aforesaid amount, the accused/husband shall pay a sum of Rs.2,00,000/- by way of two FDRs of Rs.1,00,000/- each in the name of minor daughter Toshani and son Arjun under guardianship of the complainant/wife for the period of three years for welfare of children.

It is further agreed that the complainant/wife shall cooperate in quashing of aforesaid FIR and shall appear and make necessary statement/affidavit/NOC before the Hon'ble High Court of Delhi in this regard.

4)Both the minor children i.e., daughter Toshani and son Arjun shall remain in the care and permanent custody of the complainant/wife and the accused/husband his family members shall not claim either the custody or any

visitation/meeting rights of both the children from the complainant/wife in future in any manner.

5)It is settled that the complainant/wife shall withdraw her complaint case u/s 12 D.V. Act and petition u/s 125 Cr.P.C. form the Ld. Courts concerned after completion of first motion petition.

6)It is further settled that the parties shall make necessary statements before Ld. Referral Court for compounding the offences in the present case bearing FIR No.62/2015, P.S. Ashok Vihar, U/S 323/324/341/506/34 IPC in accordance with law. In case any offence is non-compoundable, the accused persons may request to the Ld. Referral Court for taking a lenient view in the matter or may take appropriate proceedings in accordance with law, after completion of first motion petition in terms of the present settlement.

7)It is further settled that the accused/husband shall withdraw his divorce petition pending before Family Court at Meerut after completion of first motion petition.

8)Both the parties shall cooperate each other in execution of the present settlement or in disposing of the pending litigation.

9)Both the parties also undertake not to interfere in the life of each other in future.

10)In case the complainant/wife backs out of the terms of the present settlement, she shall be liable to return the entire amount received by her from the accused/husband with interest @9% p.a. In case the accused/husband backs out of the terms of the present settlement, then the amount paid by him to the complainant/wife shall stand forfeited by the complainant/wife.

11)In terms of the present settlement, there shall remain no case/claim/dispute between the parties and that none of the parties shall file any civil or criminal proceedings

against each other in future in respect of their marriage, after the compliance of terms of this settlement and that if any other case/petition/ complaint etc. between the parties is pending in any Court or Authority either against the parties or against their respective family members and whether it is in the knowledge of other party or not, the same shall be withdrawn/got disposed of by the respective party.”

4. Learned counsel for the petitioner submits that in terms of the settlement, the parties filed a petition for divorce by mutual consent, whereby, vide decree of divorce dated 19.05.2021, the learned Principal Judge, Family Courts, West, North-West, Rohini Court Delhi dissolved the marriage between the parties by mutual consent. Learned counsel submits that since the parties have amicably settled all their disputes and have been already granted divorce, thus no useful purpose would be served in continuation of the present FIR and consequent proceedings arising therefrom and seeks quashing of the same.
5. The petitioners and the respondent No.2/complainant are present in person before this Court.
6. The parties have been duly identified by the IO.
7. Respondent no. 2 submits that she has entered into the settlement voluntarily without any fear, force, or coercion. She submits that other litigations between the parties have already been withdrawn or dismissed.
8. As per the terms of the settlement the respondent no.2 has already received an amount of Rs. 8,00,000/- (Rupees Eight Lakhs) from the petitioners. The remaining amount has been paid today by way of the

DD No. 421324 dated 06.05.2023 in the name of Renu Verma of Rs. 2,00,000/- (Rupees Two Lacs Only) drawn from State Bank of India.
DD No. 421325 dated 06.05.2023 in the name of Arjun of Rs. 1,00,000/- (Rupees One Lacs Only) drawn from State Bank of India.
DD No. 421326 dated 06.05.2023 in the name of Toshani of Rs. 1,00,000/- (Rupees One Lacs Only) drawn from State Bank of India.

9. Respondent No.2/complainant states that she has no objection if the present FIR and all the proceedings emanating therefrom are quashed.
10. It is submitted that an affidavit has been placed on record to the effect that this settlement will not affect the rights of their children i.e., a female child, namely, Toshani and a male child namely Arjun in the future and they will be at a liberty to exercise their rights without any hindrance
11. I have considered the submissions.
12. This court considers that it is better to put a quietus to disputes of matrimonial nature wherein the parties have amicably settled all their disputes and no longer wish to pursue the complaint on account of such settlement. In the present case, the dispute between the parties has been settled and continuance of the present FIR would serve no useful purpose and may cause prejudice to the petitioners and be an exercise in futility. The chances of conviction would be bleak given that the parties do not wish to pursue the present complaint on account of the settlement. I do not see any reason to reject the settlement. Moreover, the parties have already been granted divorce and the settled amount has been paid to the complainant. The Supreme Court and this Court have time and again held that cases arising out of

matrimonial disputes 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.

13. Considering 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 complaint especially when the complainant no longer wishes to pursue the present complaint.

14. In view of the above, of FIR No. 503/2021 dated 21.09.2015, registered at PS Ashok Vihar, Delhi, under Sections 498A/406/34 IPC. and all other criminal proceedings emanating therefrom are quashed.

15. The present petition along with all the pending applications stands disposed of.

DINESH KUMAR SHARMA, J

MAY 8, 2023/AR