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

+ CRL.M.C.4757/2022, CRL.M.As. 19179/2022 & 19180/2022

PRAKASH JHA AND ORS.

..... Petitioners

Through: Mr.Sunil Kumar Jha, Advocate with
petitioners in person.

versus

STATE(NCT OF DELHI) AND ANR.

..... Respondents

Through: Mr.Digam Singh Dagar, APP for the
State.
SI Sanjeev, PS Jaitpur.
Mr.Janki Raman Jha, Adv. for R-2
with Respondent no.2 in person.

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Date of Decision: 18.04.2023

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.0326/2018 registered under Section 498A/406/34 IPC at PS Jaitpur on the basis of the settlement arrived at between the parties.
2. Learned Counsel for the petitioner submits that Petitioner no.1 was married to respondent no.2 on 22.06.2014 in accordance with the Hindu Rites and Ceremonies. However, on account of temperamental differences they got separated after which Respondent no.2 filed a

complaint dated 05.06.2017 on the basis of which FIR no.0326/2018 was lodged. After investigation, the charge sheet has been filed. Learned counsel also submits that a supplementary chargesheet has been filed against certain distant relatives as well. Respondent No. 2 also filed a petition bearing no. M. 192/2017 under section 125 Cr.P.C.

3. It has been submitted that during the pendency of the petition under section 125 Cr.P.C., the parties have settled the matter. Learned Counsel for the petitioner submits that pursuant to mediation, the parties moved a joint application before the learned Principal Judge, Family Court, (South-East), Saket Courts wherein their statements were recorded. The Joint Statement dated 16.09.2019 of petitioner No.1 and Respondent No.2 recorded in the proceeding under section 125 Cr, P.C. bearing Case No. M. No.192/2017 by the learned Principal Judge Family Court, South-East District; Saket Courts reads as under:

- 1. We have decided to end our marriage by filing divorce from mutual consent. Respondent has agreed to pay total consideration Rs.6 lacs towards the claims of petitioner for istridhan etc.*
- 2. The first motion will be filed within a week and respondent will pay Rs.4 lacs at the time of first motion. No money will be paid at second motion and balance Rs 2 lacs of the settled amount will be paid at the time of quashing of FIR.*
- 3. After second motion both parties will go for quashing of the FIR.*
- 4. Petitioner will withdraw her complaint case no.1030/18 filed u/s 494 IPC against the respondent pending before Ld. MM. Ms. Nupur Gupta, Saket Court Complex after first motion.*
- 5. Both parties will remain bound by the terms and conditions of the settlement.*
- 6. Petitioner wants to withdraw this petition subject to fulfillment of the terms and conditions of the settlement.*

4. 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 FIR no.0326/2018 registered under Section 498A/406/34 IPC at PS Jaitpur all the proceedings emanating therefrom. He also submits that the other pending litigations pending between the parties including the petition under Section 125 Cr. P.C., bearing Maintenance Case No.192/2017 was also withdrawn as settled & compromised,
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 states that in terms of the settlement, she received Rs. 4,00,000/- at the time of the first motion for the divorce and thereafter the remaining amount of Rs.2 lakhs, and an additional sum of Rs.25,000/- has also been received by way of Demand Draft nos.134801 and 134802, both dated 06.04.2023 drawn on the Central

Bank of India, Keoti Runway (1563). She states that since the terms of the settlement have been complied with and the decree of divorce by mutual consent has also been passed vide judgment dated 20.09.2019, she has no objection if the present FIR and all the proceedings emanating therefrom are quashed. Respondent no.2 has also filed an affidavit on record confirming the same.

7. 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.
8. In view of the above, FIR no.0326/2018 registered under Section 498A/406/34 IPC at PS Jaitpur, charge sheet, supplementary charge-sheet filed pursuant to the FIR and all the other proceedings emanating therefrom are quashed.
9. The present petition along with all the pending applications stands disposed of.

DINESH KUMAR SHARMA, J

APRIL 18, 2023

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