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

+ **W.P.(CRL) 2631/2023, CRL.M.A. 24820/2023**

AMIT KUMAR SAROHI & ORS. Petitioners

Through: Mr.Burhan Zaki, Mr.Adnan Saifi,
Mr.Abdul Kadir Saifi, Ms.Srishti
Sharma, Advts.

versus

STATE Respondent

Through: Mr.Sanjay Lao, ASC for State
ASI Mushtaq Masin, PS Khyala,
West.
Mr.Lavkush Tiwari, proxy counsel
for Mr.Ritesh Oberoi, Adv. for R-2
with R-2 in person.

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Date of Decision: 14.09.2023

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 under Section 482 Cr.PC seeking quashing of case FIR No. 0786/2022 dated 17.11.2022 registered under sections 498A/406/34 IPC at PS Khyala. The said FIR was lodged on the complaint of respondent No.2/wife against the petitioners herein.

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2. Facts in brief are that the marriage between petitioner No. 1/husband and respondent No. 2/complainant - wife was solemnized on 04.02.2022 as per Hindu rites and customs at Delhi. Petitioner Nos. 2 & 3 are the parents of petitioner no.1/husband. Thereafter owing to temperamental differences both the parties started residing separately since 08.02.2022. No child was born out of the wedlock. Petitioner Nos. 1 and Respondent No.2 have filed several cases against each other (civil & criminal), which are pending before various Courts in Tis Hazari Court and Karkardooma Courts. Subsequently, the present FIR was lodged at PS Khayala, Delhi against the petitioners herein and the matter is pending adjudication before the learned MM, Mahila Court, Tis Hazari, Delhi.
3. It has been submitted that while the proceedings were underway the parties have amicably settled the disputes vide settlement deed dated 11.01.2023 before the Mediation Cell, THC, on the following terms and conditions:

“ 1. It is agreed between the parties that they cannot continue or matrimonial life and agrees to dissolve their marriage by obtaining a decree of divorce by Way of mutual consent/ court decree in the concerned family court.

2. It has been agreed between the parties and the respondent/ husband Mr. Amit Kumar Sarohi undertakes to pay a total sum of Rs.3,50,000/- (Rupees three lacs fifty thousand only) along with admitted list (as Annexure- 'A') to the wife Ms. Jaspreet Kaur towards full and final settlement of all her claims including



stridhan, maintenance (present, past and future) and permanent alimony etc.

3. That the respondent/ husband undertakes to pay the above said settlement amount shall be paid in the following manner :-

(i) 1st instalment of Rs.1,50,000/- (Rupees one lac fifty thousand only) shall be paid by way of DD/ electronic mode in the name of wife at the time of recording of statements of the parties in first motion u/s 13 B(i) HMA which shall be filed by 10.02.2023. The defendant no. 1/ husband shall handover as per admitted list enclosed herewith as Annexure- 'A' to the defendant no.2/ wife on or before first motion.

(ii) 2nd instalment of Rs.1,00,000/- (Rupees one lac only) shall be paid by way of DD/ electronic mode in the name of wife at the time of recording of statements of the parties during second motion u/s 13 B(2) HMA which shall be filed as per law or within such time as the concerned Ld. Family Court may condoned.

(iii) 3rd instalment of Rs.1,00,000/- (Rupees one lac only) shall be paid at the time of quashing of FIR No. 0786/2022 before the Hon'ble High Court of Delhi The petition tor quashing of present FIR shall be moved by the respondent/ husband within 30 days after passing of decree of divorce by mutual consent complainant/ wife shall cooperate to give statement, affidavit/ NOC and to do all these acts which may be required to be cone before concerned Hon'ble High Court for quashing of present FIR. Expenses for filing of quashing petition shall be borne by the respondent/ husband.

4 It is agreed that the complainant shall withdraw petition u/s 12 DV Act and connected matter from Ld. Referral Court on or before filing of second motion petition for mutual divorce The respondent/ husband shall also withdraw the connected case on or before filing of first motion petition.



- 5 *Both the parties mutually agreed that they shall cooperate with each other in preparation of both the petitions for mutual divorce as well in preparation / drafting of petition, affidavit etc and by supplying necessary documents to the counsels. They further mutually agreed to bear their own expenses for the petitions for mutual divorce and for quashing before the Hon'ble High Court of Delhi.*
 - 6 *It is further agreed between the parties that after this settlement , both the parties shall be left with no right, title or interest n the movable or immovable properties of each other or their family members and both the parties and their family members shall not file any case, complaint or litigation against each other & future pertaining to the present marriage and shall cooperate with each other in execution of present settlement and withdrawal of already filed cases including all complaint/police complaint made against each other stands withdraw.*
 - 7 *It is agreed between the parties that they will not interfere in the lives of each other and shall part ways amicably.*
 - 8 *That the parties have gone through the terms herein before recorded and have confirmed and verified the same to be correct and that they are going to sign ' without any threat, pressure, coercion or undue influence from any quarter Both the sides undertake to abide by the terms & conditions mentioned hereinabove."*
4. Ld. Counsel submits that in terms of the above settlement, the parties no longer have any grievance remaining against each other. In terms of settlement, the parties have also been granted divorce by mutual consent vide judgement dated 02.05.2023 passed by the Ld. Family Courts, THC, Delhi. Ld. Counsel submits that since parties have



amicably settled, no useful purpose would be served in continuing with the present complaint.

5. Ld. Counsel for petitioner further submits that in terms of the above settlement Rs. 2,50,000/- has already been paid to the respondent No.2 and only Rs. 1,00,000/- is to be paid.
6. The parties are present in person and have been duly identified by the IO. Respondent No. 2 states that she has amicably resolved all the disputes with the petitioners and no longer wishes to pursue the present complaint. She states that the divorce has already been granted. She states that as per the settlement she has already received Rs. 2,50,000/- and Rs. 1,00,000/- has been handed over to her today in Court by way of D.D. No. 015749 dated 29.08.2022 in the name of Jaspreet Kaur drawn on HDFC Bank. She states that she has no objection if the present FIR and subsequent proceedings emanating therefrom are quashed.
7. I have considered the submissions. The parties have already been granted Divorce by mutual consent and have amicably resolved all their disputes. The complainant/ respondent No.2 does not wish to pursue the present FIR. The chances of conviction would be bleak and remote, given that the complainant does not wish to pursue the present complaint on account of the amicable settlement. In such circumstances, continuance of the present FIR would serve no useful purpose and may cause prejudice to the petitioner and be an exercise in



futility. I do not see any reason to reject the compromise. 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 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.

8. Considering the totality of facts and circumstances of the case and in view of the settlement arrived at between the parties, the FIR No. 0786/2022 dated 17.11.2022 registered under sections 498A/406/34 IPC at PS Khyala along with all the proceedings arising therefrom is quashed.
9. Accordingly, the petition along with pending application stand disposed of.

DINESH KUMAR SHARMA, J

SEPTEMBER 14, 2023/rb

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