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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CRL.M.C. 5064/2022

NITESH SHARMA & ORS.

..... Petitioners

Through: Mr. Vinod Sharma, Adv.

versus

THE STATE GNCT DELHI & ANR.

..... Respondents

Through: Mr. Hemant Mehla, APP for the State

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Date of Decision: 01st May, 2023

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

CRL.M.A. 20245/2022(exemption)

Exemption is allowed subject to all just exceptions.

CRL.M.C. 5064/2022

1. The present petition has been filed under Section 482 Cr. PC seeking quashing of FIR No. 179/2016 registered at PS Jyoti Nagar under Section 498A/406/34 IPC and section 3/4 Dowry Prohibition Act, 1961 on the statement of Ms. Maushmi Chauhan.
2. Learned Counsel for the petitioner submits that Respondent

no.2/complainant married petitioner no.1 on 16.01.2014 in accordance with the Hindu Vedic Rites and Ceremonies at Arya Samaj Mandir. A female child 'Niharika' was also born out of the wedlock on 22.11.2014. However, on account of temperamental differences and mental incompatibility, the parties started living separately and instituted multiple litigations against each other and their respective families including the present FIR. He submits that the chargesheet, in this case, has already been filed and the matter is pending before the Learned MM, Karkardooma Courts, New Delhi.

3. Learned Counsel further submits that during the pendency of the proceedings, the parties have resolved their disputes amicably with efforts of elders and relatives of both the parties that now couple has again reunited and in furtherance thereof they have entered into a settlement agreement dated 18th June, 2022. As per the settlement agreement the parties have started to live together again and are willing to continue with their marital relationship.
4. 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. 179/2016 registered at PS Jyoti Nagar registered under Section 498A/406/34 IPC and section 3/4 Dowry Prohibition Act, 1961 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 other petitions have already been withdrawn or dismissed. And since the have amicably decided to live together and continue with their marriage. Petitioner No.1 and respondent No.2 have been residing together peacefully for last one and half years. She has no objection if FIR no. 179/2016 registered at PS Jyoti Nagar under Section 498A/406/34 IPC and section 3/4 Dowry Prohibition Act, 1961 and all the proceedings emanating therefrom.
7. I have gone through the settlement which has been placed on record. However, the parties have entered into a settlement on the following terms and conditions:

“And whereas more than a year ago, the efforts were made from elders and relatives of both the parties for restoration of marriage between the parties. Both the parties were also willing to join each other hence the

efforts became fruitful and parties to this deed started to live together at shyam Park, Sahidabad and since then living together, obliging each other and discharging their respective obligation towards each other peacefully and happily thereby wish to save their marriage.

And whereas second party resolved her all claims under the above said FIR with the first party as well as his family members and left no claim upon them.

And whereas second party hereby expressed her satisfaction upon post FIR living together for last one year and does not want to proceed further with the said FIR.

And whereas second party agreed to withdraw her case U/s 125 Cr.P.C. as well as U/s 12 of D.V. Act pending adjudication, from the concerned court before quashing of the above said FIR.

And whereas first party agreed to fulfill his obligation towards the second party sincerely.

And whereas second party agreed to co-operate the first party and his family members as to get quash the above said FIR from the competent court and undertake to make statement to this effect, if required before the concerned court.

And whereas parties to this settlement arrived at their settlement with their free will and consent and without any threat, pressure, coercion or undue-influence.”

8. 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 together peacefully as they have been living together happily and comfortably. No purpose will be served in continuing

with the trial.

9. In view of the above, FIR no. 179/2016 registered at PS Jyoti Nagar registered under Section 498A/406/34 IPC and section 3/4 Dowry Prohibition Act, 1961 all the other proceedings emanating therefrom are quashed. The present petition along with all the pending applications stands disposed of.

DINESH KUMAR SHARMA, J

MAY 1, 2023

Pallavi

