



\$~66

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

+ **CRL.M.C. 5085/2022**

ROHIT SUNEJA

..... Petitioner

Through: Mr. Abhivrat Arya, Adv. (VC).
Petitioner in person.

versus

STATE OF NCT OF DELHI AND ANR.

..... Respondents

Through: Mr. Hemant Mehla, APP and SI Sunil
Tokas, PS Narela, Delhi.
R-2 in person.

%

Date of Decision: 29.08.2023.

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. 0659/2021 registered under Section 498A/406/34 of the Indian Penal Code registered at PS Narela, New Delhi.

2. Learned Counsel for the petitioner submits that Respondent no.2/complainant married petitioner no.1 on 19.08.2018 in accordance with the Hindu Rites and Ceremonies. However, it has been submitted that, on account of temperamental differences and mental incompatibility, the parties started living separately and instituted multiple litigations against each other

CRL.M.C. 5085/2022

Page 1 of 5



and their respective families including the present FIR. It is submitted that the Respondent No.2 has registered a case under Protection of Women from Domestic Violence Act, 2005 bearing number DL/NT/020136282018 in Rohini District Court against the petitioner which is pending adjudication and is listed on 21.09.2022.

3. Learned Counsel further 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 17.09.2022. As per the settlement it has been agreed between the parties that the petitioner shall pay Rs. 5,00,000/- in full and final settlement of the entire dispute to respondent no. 2/complainant.

4. It has been submitted that pursuant to the settlement, a mutual divorce petition was filed, and a decree of divorce has been granted, however, the divorce decree is not on record.

5. Let the divorce decree be brought on record.

6. The Learned Counsel for the petitioners, therefore, submits that since the parties have resolved all their differences amicably; it would be in the interest of justice to quash FIR no. 0659/2021 registered under Section 498A/406/34 IPC at PS Narela, New Delhi and all the proceedings emanating therefrom.

7. 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 marriage between the



parties has also been dissolved by a decree of divorce by mutual consent, she has no objection if FIR no. 0659/2021 registered under Section 498A/406/34 IPC at PS Narela, New Delhi 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 both the parties have decided to dissolve this marriage. Thus, now both the parties mutually agreed to live separately and get divorce.

2. That both the parties will file a case for divorce for recording of first motion u/s 13B of HMA in Rohini court on 21/09/2022.

3. That as per this agreement, the second party will pay to first party an amount of Rs. 5,00,000/- as compensation for past, present and future expenses. Further, after this there will be nothing due against one another. The said amount of Rs. 5,00,000/- will be kept with the Sh. Shankar Lal Bhutani S/O Sh. Girdhari Lal Bhutani R/O Sainik Vihar, Delhi, out of which half of the amount i.e. Rs. 2,50,000/- will be payable to the first party on the recording of statement of first motion of 13B of HMA or on 21/09/2022 at the time of withdrawal of complaint filed by first party under DV Act (whichever is earlier) and the balance of Rs. 2,50,000/- will be handed over to the first party after recording of statement of second motion u/s 13B of HMA.

4. Under this agreement, the first party will withdraw the abovesaid case under DV Act on date 21/09/2022 as stated above in para no. 3. Further, for FIR no. 659/2021, u/s 498A, 406, 34 IPC against the second party, the second



party will file a Quashing Petition in the Honb'le High Court, New Delhi within a week and the first party will duly co-operate with the second party in quashing of the above mentioned FIR. Further, if the first party has filed any other case against the second party and his family members, then the first party will withdraw the same by 21-09-2022.

5. That both the parties undertake not to misuse any document or photograph or video of the other party. Both the parties further undertake not to level allegations regarding the character of the parties. Both the parties further undertake not to interfere in the life of each other and they shall also not post any comment etc. on the social media accounts of each other.

6. Both the parties will marry wherever they want, after this agreement they do not bound with each other in any manner.

7. After this agreement both parties will not arise any litigation against each other and family members.

8. That both parties will have no objection with this agreement. That the agreement is made by both the parties with their sound mind and with mutual consent. That both the parties have read this agreement and they signed by their own will.”

9. 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.

10. 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.

11. In view of the above, FIR no. 0659/2021 registered under Section 498A/406/34 IPC at PS Narela, New Delhi and all the other proceedings emanating therefrom are quashed.

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

DINESH KUMAR SHARMA, J

AUGUST 29, 2023/AR

CRL.M.C. 5085/2022

Page 5 of 5