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

+ CRL.M.C. 5126/2022, CRL.M.A. 20515/2022

RAKHI VERMA

..... Petitioner

Through: Mr. Gaurav Sadana and Mr. K.S. Rekhi, Advs. with petitioner.

versus

STATE & ORS.

..... Respondents

Through: Mr. Digam Singh Dagar, APP and W/SI Aarushi Rajput, PS Mayapuri, Delhi.

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Date of Decision: 20.09.2023.

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 seeking quashing of case FIR No. 127/2016 under Sections 498A/406/34 IPC registered at P.S. Mayapuri, West-Delhi and Criminal Case No. 5351/2017 pending trial before learned CMM, West, Tis Hazari Court and all subsequent proceedings emanating therefrom.
2. The said FIR was lodged on the complaint of the petitioner/wife namely Rakhi Verma. The facts of the present case are quite interesting as the petition has been preferred by the wife on account of amicable settlement with her husband, pursuant to which they have been residing

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together and the parties have amicably settled the dispute now. The FIR No. 127/2016 was lodged under Section 498A/406/34 IPC by the petitioner/ Rakhi Verma. However, immediately thereafter, the parties entered into settlement and started living together.

3. Learned Counsel for the petitioner submits that Respondent no.2 married petitioner no.1 on 21.09.2009 in accordance with the Hindu Rites and Ceremonies. The parties have three daughter from the said wedlock. 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.
4. Learned Counsel further submits that during the pendency of the proceedings, the parties have resolved their disputes amicably due to the intervention of family, friends and nearby villagers. The parties have unconditionally apologized to each other and even respondent no.2 also promised not to misbehave with the petitioner. Now, the parties are residing together amicably.
5. 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. 127/2016 under Sections 498A/406/34 IPC registered at P.S. Mayapuri, West-Delhi and Criminal Case No. 5351/2017 and all the proceedings emanating therefrom.
6. 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.

7. Both parties are present in court and have duly been identified by the IO.
8. The petitioner is present in person. Learned counsel for the petitioner submits that as per settlement they have started living together and they did not appear before the learned Trial Court as the respondent no. 2 was unaware of the fact that the charge-sheet has been filed.
9. Learned counsel for the petitioner states that she is residing with Brajendra Verma/respondent no.2 and she does not want to continue with the present FIR.
10. The petitioner has also filed an affidavit and in her statement it has been stated that she is residing with respondent No.2 since 2017 and leading happy matrimonial life and does not want to continue with the present petition and the same may be quashed. In this regard the joint statement of petitioner and the respondent no. 2 has also been recorded.
11. 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.

12. In view of the above, FIR no. 127/2016 under Sections 498A/406/34 IPC registered at P.S. Mayapuri, West-Delhi and Criminal Case No. 5351/2017 and all the other proceedings emanating therefrom are quashed.
13. The present petition along with all the pending applications stands disposed of.

DINESH KUMAR SHARMA, J

SEPTEMBER 20, 2023/AR

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