

\$~21

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

CRL.M.C. (MAIN) 5334/2022 & CRL.M.A. 9209/2023

MANOJ & ANR.

..... Petitioner

Through: Mr. Rabindra Tiwary, Adv. with all
the petitioners.

versus

THE STATE (G.N.C.T OF DELHI) AND ORS. Respondents

Through: Mr. Hemant Mehla, APP for State
with with SI Pankaj, PS Ambedkar
Nagar.

Mr. Keshav Bhardwaj & Ms. Kritika
Sabharwal Advocates for respondent
No.2.

R-2 in person.

%

Date of Decision: 17th April, 2023.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

1. Vide notification No. 1114/G-4.Genl.-I/DHC dated 12.04.2023, 14.04. 2023 has been declared as a holiday on account of birthday of Dr. B. R. Ambedkar and the cases fixed for 14.04. 2023 shall be taken up on Monday, 17.04.2023.

2. The present petition has been filed under section 482 Cr.P.C for quashing of FIR no.886/15, registered under Section 323/354/506/509/34 of IPC registered at PS Ambedkar Nagar.
3. Learned Counsel for the petitioner no. 1 submits that Respondent no.2/complainant was married to petitioner no.1 in accordance with the Hindu Rites and Ceremonies.However, on account of temperamental differences and confliction of opinions, the parties started living separately.
4. The present FIR was lodged on the statement of Respondent no. 2 wherein she alleged that Petitioner No.1 i.e. Mr. Manoj has exploited her physically and mentally and threatened to kill her brother and family. The charge sheet in the present case has been filed under sections 323/354/506/509/34 IPC.
5. Learned Counsel further submits that during the pendency of the proceedings, the parties have resolved their disputes voluntarily and in furtherance thereof they have arrived at a voluntary compromise and the second party having agreed to not to pursue the complaint filed by them against FIR No. 886/2015 under section 323/354/506/509/34 IPC has been registered at the police station, Ambedkar Nagar against the first party.
6. Pursuant to the settlement, a mutual divorce petition was also filed and a decree of divorce was granted vide order dated 30.07.2015 passed by the learned Principle judge, Family Courts, South, Saket. New Delhi.
7. 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 the FIR no. 886/15, registered under Section 323/354/506/509/34 of IPC at PS- Ambedkar Nagar and all the proceedings emanating therefrom.

8. It is well-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.

9. 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. Since the marriage between the parties has also been dissolved by a decree of divorce by mutual consent order/judgment dated 30.07.2015, she has no objection if FIR no.886/15, registered under Section 323/354/506/509/34 of IPC at PS- Ambedkar Nagar and all the proceedings emanating therefrom.

10. I have gone through the settlement which has been placed on record. The settlement agreement vide Compromise Deed dated 10.10.2022 provides for the following terms and conditions:

“(i) That in consideration of the Parties having voluntarily arrived at a Compromise, and the Second Party having agreed to not to pursue the complaint filed by them against the First Party in respect of which an FIR No. 886/2015 under Section 323/354/506/509 IPC

has been registered at the police Station, AMBEDKAR NAGAR against the First Party.”

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. I consider that no purpose will be served in continuing with the trial.

12. In view of the above, FIR no. 886/15, 323/354/506/509/34 of IPC registered under Section 323/506/509/34 at PS- Ambedkar Nagar and all the other proceedings emanating therefrom are quashed.

13. The present petition along with all the pending application stands disposed of.

DINESH KUMAR SHARMA, J

APRIL 17, 2023

Pallavi

न्यायमेव जयते