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

+ **CRL.M.C. 5483/2022, CRL.M.A. 21796/2022 & 21797/2022**

FAIMUDDIN & ORS. Petitioners

Through: **Mr.Biswajit Kumar Patra, Advocate**
(DHCLSC) with petitioners in person.

versus

THE STATE & ANR. Respondents

Through: **Mr.Hemant Mehla, APP for the state with**
Mr.Dipanshu Meena, Advocate
SI Amit Beniwal, PS Vivek Vihar.
Respondent no.2 in person.

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Date of Decision: 03.05.2023

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

1. Present petition has been filed seeking quashing of FIR No.0056 dated 12.02.2018 under Section 498A/406/34 IPC at PS Vivek Vihar on statement of Nazma.
2. Learned Counsel for the petitioner submits that Respondent no.2/complainant married petitioner no.1 on 07.11.2021 in accordance with the Hindu Rites and Ceremonies at Bijnor, UP. Two children namely Ammera and Mohd Aahil were born out this wedlock 10.08.2014 and



10.06.2016. 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 on 12.02.2018.

3. Learned Counsel further submits that during the pendency of the proceedings, the parties have resolved their disputes amicably with the efforts of elders and relatives of now the couple has again reunited and have been living together for the last 5 years now.
4. 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 She submits that other petitions have already been withdrawn or dismissed and she submits that since the parties have amicably decided to live together and continue with their marriage, she has no objection if FIR No.0056 dated 12.02.2018 under Section 498A/406/34 IPC at PS Vivek Vihaand all the proceedings emanating therefrom. An affidavit of Respondent no. 2 has also been placed on record regarding the same.
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. 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.
7. In view of the above, FIR No.0056 dated 12.02.2018 under Section 498A/406/34 IPC at PS Vivek Vihar all the other proceedings emanating therefrom are quashed.
8. The present petition along with all the pending applications stands disposed of.

DINESH KUMAR SHARMA, J

MAY 3, 2023/rb