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

+ **CRL.M.C. 5728/2022**

GAURAV BHUTANI

..... Petitioner

Through: Mr. Shikher Singhal with Ms. Vidushi
Goel, Advocates.

versus

STATE OF NCT OF DELHI & ANR.

..... Respondents

Through: Mr. Digam Singh Dagar, APP for the
State with SI Ankur Kardam, PS
Punjabi Bagh.

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Date of Decision: 27th March, 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.6188/2023 (for impleadment)

This is an application moved on behalf of the petitioner for impleading Smt. Ramesh Kumari Bhutani (complainant's Mother-in-law) and Ms. Vinny Bhutani (complainant's sister-in-law) as petitioner Nos.2 and 3 and for placing on record an amended memo of parties.

For the reasons stated in the application, the application is allowed.

The amended memo of parties is taken on record.

CRL.M.C. 5728/2022

Page 1 of 4



CRL.M.C. 5728/2022

1. The present petition has been filed seeking the quashing of FIR No.0512/2019 under Sections 498A/406/34 IPC registered at Police Station Punjabi Bagh. The FIR was lodged on the complaint of respondent No.2/Ms. Jyoti Sharma.
2. The factual matrix of the present case is that the marriage between petitioner no. 1 and respondent no. 2 was solemnised on 21.02.2018 according to Hindu rites and ceremonies. However, it has been stated that due to certain disputes between them, the parties started living separately on 29.04.2021. No child was born out of this wedlock.
3. Learned counsel for the petitioners submits the present FIR has been filed at the instance of respondent no. 2 and is arising out of a matrimonial dispute. It has been stated that during the pendency of the proceedings, the parties have settled their disputes vide settlement agreement dated 25.03.2021 before the Delhi Mediation Centre, Tis Hazari Courts. Pursuant to the settlement, a mutual consent divorce petition was filed. The decree of the divorce was passed on 29.03.2022 by the learned Addl. Principal Judge, Family Court, West District, Tis Hazari, Delhi.
4. 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.0512/2019 under Sections 498A/406/34 IPC registered at Police Station Punjabi Bagh.



5. The settlement agreement has been placed on record. A perusal of the agreement indicates that it has been agreed between the parties that Petitioner no. 1 shall pay a total sum of Rs. 7,33,000/- along with articles to Respondent no. 2 as full and final settlement.
6. The parties are present before the court and have duly been identified by the IO. A demand draft in the sum of Rs.2,00,000/- bearing No.365217 dated 28.02.2023 drawn on HDFC Bank in favour of the complainant Ms. Jyoti Sharma has been handed over to the Respondent No.2.
7. 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 terms of the settlement have been complied with, she has no objection if the FIR under reference is quashed.
8. 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.

9. In view of the above, FIR No.0512/2019 under Sections 498A/406/34 IPC registered at Police Station Punjabi Bagh, and all the other proceedings emanating therefrom are quashed.
10. The present petition stands disposed of.

DINESH KUMAR SHARMA, J

MARCH 27, 2023
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