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

+ **CRL.M.C. 5834/2022**

DEEPAK GAUTAM & ORS.

..... Petitioners

Through: Mr. Ashok Kumar, Adv.

versus

THE STATE OF DELHI & ANR.

..... Respondents

Through: Mr. Hemant Mehla, APP for State

% *Date of Decision: 17.07.2023.*

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

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1. The present petitioner has been filed seeking quashing of case FIR No. 5/2019 under Sections 498A/406/34 IPC registered at PS Vijay Vihar.
2. Learned Counsel for the petitioner submits that Respondent no.2/complainant married petitioner no.1 on 24/12/2017 in accordance with the Hindu Rites and Ceremonies. However, on account of temperamental differences and mental incompatibility, the parties started living separately from March 2018 onwards and instituted multiple litigations against each other and their respective families including the present FIR. No child was born

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- out of wedlock.
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 19/07/2021. As per the settlement it has been agreed between the parties that the petitioner shall pay Rs5,00,000/- (Rupees Five lakhs) in full and final settlement of the entire dispute to respondent no. 2/complainant. Respondent No.2 states that she has already received the entire payment.
 4. It has also been stated that pursuant to the settlement, a mutual divorce petition was also filed and a decree of divorce has been granted.
 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. 005/2019 under Sections 498A/406/34 IPC registered at PS Vijay Vihar 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; **YashpalChaudhrani and Others vs. State (Govt. of NCT Delhi) and Anr.**, 2019 SCC OnLine Del 8179.

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. Respondent No. 2 submits that the marriage between the parties has been dissolved by a decree of divorce by mutual consent, and she has no objection if FIR No. 005/2019 under Sections 498A/406/34 IPC registered at PS Vijay Vihar and all the proceedings emanating therefrom are quashed.
8. I have gone through the settlement deed dated 26.08.2022 which has been placed on record. The settlement agreement provides for the following terms and conditions:

“1. That both the parties shall file a first motion Petition U/s. 13-B(1) HMA before appropriate court of law and accordingly they shall also file second motion within statutory time period.

2. That the aforesaid settlement arrived between the parties for a full and final settlement of Rs.5 lakhs with gold jewellery i.e. one gold chain (11 gm) and an gold ring (7 gm) qua amount for the above noted gold items, in respect of all claims of the first party in lieu of Istridhan, dowry articles, past, present and future maintenance and permanent alimony.

3. That the second party shall pay a sum of Rs.2,00,000/- with gold chain and gold ring qua amount as mentioned above to the first party at the time of recording of joint statements in first motion petition U/s. 13(B)(1), HMA for divorce by mutual consent.



4. *That the second party shall pay amount of Rs.1,00,000/- to the first party at the time of quashing of FIR No. 05/19 U/s 498A, 406 IPC.*
5. *That the second party shall pay remaining amount of Rs.2,00,000/- to the first party at the time of recording of joint statement in second motion petition U/s. 13 (B)(2), HMA for divorce by mutual consent.*
6. *That it is agreed that the first party shall withdraw the complaint case U/s. 12 PWDV Act pending before the court of Mr. Kanika Jain, Ld. MM, Rohini Court, Delhi and an execution petition pending in concerned court after the quashing of FIR mentioned above.*
7. *That both the parties shall not violate the said memorandum of undertaking/settlement deed as per terms and conditions and both the parties are bound by this M.O.U. and this M.O.U. is full and final settlement between the parties hereinafter the parties to this deed has no claim of whatsoever nature against each other or against their family. The parties also undertake to withdraw all their allegations as well as court cases pending against both the parties in the court of Law.*
8. *That this MOU has been executed by the parties at their own free will and without any coercion or undue influence of any manner.*
9. *That both the parties are bound to remain in their statements as per the terms and conditions of the above said memorandum of undertaking/ settlement deed between the parties.*
10. *That this memorandum of undertaking/ settlement deed is enforceable by law.*
11. *That both the parties shall follow the terms and conditions of the memorandum of undertaking/ settlement of deed.”*



9. 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.
10. In view of the above, FIR No. 005/2019 under Sections 498A/406/34 IPC registered at PS Vijay Vihar and all the other proceedings emanating therefrom are quashed.
11. The present petition stands disposed of.

DINESH KUMAR SHARMA, J

JULY 17, 2023/AR