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

+ CRL.M.C. 5875/2022

PRASHANT & ORS.

..... Petitioners

Through: Mr.Deepak Kumar, Adv.

versus

THE STATE & ANR.

..... Respondents

Through: Mr.Digam Singh Dagar, APP for the
State.

SI Vikrant Singh, PS Mandawali

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Date of Decision: 15.03.2023

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 for quashing of FIR no.0272/2022 registered under Sections 498A/406/34 IPC at PS Mandawli.
2. Briefly stated facts of the case are that the present FIR has been lodged on the complaint of Respondent no.2, wherein, allegations of physical torture, verbal abuse, mental cruelty including throwing her out of her matrimonial house has been made against the petitioners.
3. It is submitted that now parties have arrived at a settlement dated 10.06.2022 at Delhi Mediation Centre, KKC, which is as under:

1. It is agreed between the parties that the husband shall take his wife Rajni from Akshardham Metro Station on 04.07.2022 at 04:00



PM and shall live as family at a rented accommodation bearing H. No. B-17, 3" Floor, Main Road Mandawali. Delhi-110092.

2. It is agreed between the parties that the husband shall maintain the wife properly and shall bear all their day to day household expenses, medical rent and clothes etc.

3. It Is agreed between the parties that the husband shall pay Rs. 2,000/- (Rs.two Thousand only) per month to the wife towards her pocket expenses only by cash on or before 10th day of every month starting with effect from July 2022.

4. It is agreed between the parties that they shall live peacefully and in perfect harmony and respect thereby fulfilling all their matrimonial obligation towards each other.

5. It is further agreed between the parties that husband Prashant shall withdraw the civil suit bearing CS No. 546/2021 as well as divorce petition bearing HMA No. 795/2021 on the date fixed from the court concerned after making appropriate statement

6. It is agreed between the parties that the wife shall withdraw the complaint u/s. 12 of DV Act as well as maintenance petition under Section 125 Cr. P. C. on the late fixed from the court concerned after making appropriate statement.

7. It is further agreed between the parties that husband shall withdraw the aforesaid divorce petition on the date fixed from the court concerned after making appropriate statement.

8. It has also been agreed between the parties that for quashing of FIR no.272/2022. PS Mandawali under Sections 406/498A/34 IPC, the husband shall file a petition within one month after withdrawal all the aforesaid connected cases by the parties. The wife shall cooperate with the husband and his family members in quashing of the said FIR.

9. It is agreed between the parties that they shall give due love & respect to each other and shall not give any chance of complaint to each other and shall focus on the upbringing of the minor child.



10. It is further agreed between the parties that husband shall have no objection if wife visit parental home on the occasion of family functions, marriage, festivals and in emergency conditions and to meet family members. It is further agreed that the family members of Rajni and Prashant shall not interfere in the matrimonial life of Rajni and Prashant.

11. It is agreed between the parties that this settlement is arrived at between the parties of their own free will, volition and consent and without there being any undue pressure, coercion, influence misrepresentation or mistake (both of law and fact) in any form. whatsoever, and the settlement agreement has correctly recorded the said agreed terms and the same has been read over to the parties in vernacular,

12. Both the parties undertake that they will abide by and be bound by the agreed terms/stipulations of the settlement agreement.

4. Petitioner no.1 and respondent no.2 state that now they are living together happily as husband and wife since 04.07.2022 and they have amicably resolved their disputes and have no complaints against each other.
5. Parties have been duly identified by the IO.
6. Section 482 CrPC acknowledges the inherent power of the high court to secure the ends of justice. In cases where the offences are not compoundable in nature, the parties on account of an amicable settlement invoke the inherent power under Section 482 Cr.P.C. for quashing the proceedings on the plea that continuance thereof would merely be an abuse of process of law.
7. It has repeatedly been held by the Apex Court that in the matrimonial



disputes, if the parties have settled the matter between themselves amicably, it is the duty of Courts to encourage the same. Reliance can be placed on *B.S. Joshi v. State of Haryana*, (2003) 4 SCC 675; *Yashpal Chaudhrani and Others vs. State (Govt. of NCT Delhi) and Another*; 2019 SCC OnLine Del 8179.

8. I consider that there would be no purpose of continuing with the trial as the parties have entered into the settlement voluntarily without any fear, force and coercion, and have decided to give quietus to the proceedings. It was a matrimonial dispute which has been amicably settled and thus the parties must be given a chance to live together peacefully.
9. In view of the above, FIR no.0272/2022 registered under Sections 498A/406/34 IPC at PS Mandawli and all the other proceedings emanating therefrom are quashed.
10. The present petition stands disposed of.

DINESH KUMAR SHARMA, J

MARCH 15, 2023

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