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

+ **CRL.M.C. 5920/2022**

DASHRATH SHARMA & ORS.

..... Petitioner

Through: **Mr. Vivek Chaudhary, Adv. (VC)**

versus

THE STATE OF N.C.T. OF DELHI & ANR.

..... Respondents

Through: **Mr. Amit Sahni, APP for the State
with IO
Mr. Balkrishan Sharma, Adv. for R-2
(VC) along with R-2 (VC)**

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Date of Decision: 25th April, 2023

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

1. The present petition has been filed under Section 482 Cr. P.C. seeking quashing of FIR No. 429/2019 registered at P.S. Shahbad Dairy, Delhi under Sections 498A/34 IPC.
2. Learned Counsel for the petitioner submits that Respondent no.2/complainant married son of petitioner no.1 on 04.03.2017 in accordance with the Hindu Rites and Ceremonies. There was no issue born out the wedlock. However, on account of temperamental differences and indifferent attitudes, the parties started living separately and instituted multiple litigations against each other and

their respective families including the present FIR.

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 an amicable settlement agreement dated 13.07.2022 before the Delhi Mediation Centre, Rohini District Courts. As per the settlement it has been agreed between the parties that the respondent no.2 shall withdraw the present case without any monetary settlement and it is settled that the complainant will return back all dowry articles to the complainant and if any articles are damaged then complainant will be compensated by the respondent through cash as full and final settlement of the entire dispute.
4. Ld. Counsel for the parties submit that the first motion of decree of divorce has been passed and second motion is coming up on 22.05.2023.
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. 429/2019 registered at P.S. Shahbad Dairy, Delhi under Sections 498A/34 IPC 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 case

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.

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. She submits that other petitions have already been withdrawn or dismissed. And since the settlement has already taken place between the parties she has no objection if FIR no. 429/2019 registered at P.S. Shahbad Dairy, Delhi under Sections 498A/34 IPC and all the proceedings emanating therefrom.
8. I have gone through the settlement which has been placed on record. The Parties have reached on a settlement dated 22.08.2022 on following terms and conditions:
 - “1. That both the parties are well known to each other and the aforesaid matter has been compromised between the parties vide a settlement dated 13.07.2022 from the Delhi Mediation Centre, Rohini District Courts Delhi.
 2. That taking into consideration the said compromise/settlement the Second Party does not want to pursue the matter anymore against the First Party.

3. That the Second Party undertakes that he will co-operate in quashing of the FIR no 429/2019 u/s 498A/34 IPC registered at P.S. Shahbad Dairy, Delhi to be filed before the Hon'ble High Court of Delhi at New Delhi and in view of this statement, both the parties have agreed to move a petition U/s 482 of Cr.P.C. for quashing of F.I.R.
4. That this compromise deed has been made between the parties with their own free will without use of any coercion or force from outside thereafter nothing shall remain due from each other.”
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. 429/2019 registered at P.S. Shahbad Dairy, Delhi under Sections 498A/34 IPC and all the other proceedings emanating therefrom are quashed. The present petition along with all the pending applications stands disposed of.

DINESH KUMAR SHARMA, J

APRIL 25, 2023

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