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

+ **CRL.M.C. 6256/2022**

PRABHAT RANJAN & ORS.

..... Petitioners

Through: Mr.Ranjay Kumar Dubey, Adv.
Petitioners (through VC)

versus

THE STATE(GOVT.OFNCT OFDELHI) & ANR.

..... Respondents

Through: Mr.Hemant Mehla, APP for the state
with Mr.Dipanshu Meena, Advocate
SI Yagdutt
Mr.Rhythem Nagpal, Adv. for Aditi
Respondent no.2 (through VC)

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Date of Decision: 02.08.2023

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 for quashing of chargesheet in FIR No.138/18 dated 28.04.2018 registered under Section 498A/406/34 IPC at PS KNK Marg and the Criminal Proceeding arising therefrom.
2. Learned Counsel for the petitioner submits that Respondent no.2/complainant married petitioner no.1 on 16.04.2017 in accordance with the Hindu Rites and Ceremonies. However, it has been submitted that, on

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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 was filed and the Criminal Proceeding arising therefrom being Cr. Case / 4709/2018 is pending in the court of MM/ Mahila Court-01, Rohini, North Delhi for consideration of charges.

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 03.12.2020 before the Delhi Mediation Centre, Rohini Court. As per the settlement it has been agreed between the parties that the petitioner shall pay Rs. 2,75,000/- (TwoLac Seventy Five Thousand only) in full and final settlement of the entire dispute to respondent no. 2/complainant.

4. It has been submitted that pursuant to the settlement, a mutual divorce petition was filed and a decree of divorce was granted vide order dated 12.11.2021 passed by Learned Principal Judge, Family Court, North District.

5. The Learned Counsel for the petitioners, therefore, submits that since the parties have resolved all their differences amicably; it would be in the interest of justice to quash FIR No.138/18 dated 28.04.2018 registered under Section 498A/406/34 IPC at PS KNK Marg and all proceedings arising therefrom.

6. Both parties are appearing through V.C. and have been identified by the IO. Respondent no.2 who is appearing through VC submits that she has entered into the settlement voluntarily with her own free will and she has



received the entire settled amount. She submits that other petitions have already been withdrawn or dismissed. And since the marriage between the parties has also been dissolved by a decree of divorce by mutual consent order/judgment date 12.11.2021 , she has no objection if FIR No.138/18 dated 28.04.2018 registered under Section 498A/406/34 IPC at PS KNK Margand all the proceedings emanating therefrom are quashed.

7. I have gone through the settlement which has been placed on record. The settlement agreement provides for the following terms and conditions:

1) It is mutually settled between the parties that parties shall get dissolved their marriage by a decree of divorce - by mutual consent Without leveling allegations and counter-allegations against each other in accordance with law before the Court of component Jurisdiction at Delhi.

2) The respondent/husband shall .pay a total sum of Rs.2,75.000/- (Rupees Two Lacs and Seventy Five Thousand Only) in full and final Settlement of all claims of the complainant/wife past, present and future arising out of the present marriage which shall include permanent alimony, maintenance (past, present & future) istridhan and all other miscellaneous expenses.

3) It is further settled that the respondent/ husband will return the Istridhan articles as per list enclosed as Annexure "A" to the complainant/ wife on 06.12.2020. It is also settled that the father of the complainant will go to the house of the respondent/husband at Bihar to take the delivery of the articles



mentioned in the list Annexed as Annexure A. Transportation-charges shall be borne the father of the complainant.

4 The settlement amount of Rs.2,75,000/- (Rupees Two Lakh and Seventy Five Thousand Only) shall be paid by the respondent/ husband to the complainant/wife by way of DD/RTGS in the following manner:

i) A sum of Rs. 1,00,000/- (Rupees One lacs only) shall be paid at the time of recording of statements in First Motion petition U/s.138(1) of Hindu Marriage 'Act: which shall be filed by the Parties on or before 15.02.2021.

ii) A .sum of 1,00,000/- (Rupees One lacs only.) shall be paid:at the time of recording of statements in Second Motion Petition U/s. 138(2) of Hindu Marriage Act which shall be filed by the Parties as per law.

(iii) A sum of Rs.75,000/- :(Rupees Seventy Five Thousand Only) at the time of quashing of the present. FIR no. 138/ i.e., PS K.N. Katju Marg, which shall be filed by the respondent/husband within one month after decree of second motion. Complainant/wife shall cooperate and shall make necessary statement/NOC/ Affidavit before the Hon'ble High Court of Delhi.

5) Expenses for filing the petition for both motions shall be borne by the respondent/husband and complainant/ wife equally.

6) If the complainant/wife backs out from the present settlement .at the time of second motion/she shall be liable to pay the interest @ 12 per cent per annum on the amount received from the respondent/husband. If the respondent/ husband- backs out from, the present settlement. The amount paid by him to the complainant /wife shall stand in favour of the complainant/wife.



7) *It is further settled that the present case under D.V, Act shall be withdrawn by the complainant/ wife- in view of, the term of his settlement after obtaining the decree of first motion.*

8) *Both the parties shall not interfere in the life of each other in future.*

9) *After compliance of the (terms of the present settlement, there shall remain no dispute due between the parties arising. out of the said marriage and that none of the parties shall file any civil or criminal proceedings against each other or their family members in Future with respect to the present marriage and, that if any other Case/petition/complaint etc. between; the parties, is pending, any Court or Authority, the same shall be withdrawn/g disposed of by the respective party.*

The parties entered into ' the present Settlement/ Agreement voluntarily without any fear, coercion, or undue influence from any Corner; whatsoever. The parties shall be bound by this settlement and shall co-operate to execute this settlement in every possible manner, whatsoever.

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;

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Yashpal Chaudhrani and Others vs. State (Govt. of NCT Delhi) and Another, 2019 SCC OnLine Del 8179.

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.138/18 dated 28.04.2018 registered under Section 498A/406/34 IPC at PS KNK Margalong with all the proceedings arising therefrom is quashed and all the other proceedings emanating therefrom are quashed.

11. The present petition along with all the pending applications stands disposed of.

DINESH KUMAR SHARMA, J

AUGUST 2, 2023

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