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

+ CRL.M.C. 6388/2022, CRL.M.A. 24920/2022

MR.AJEET & ORS.

..... Petitioners

Through: Mr.H.C.Vashisht, Adv. With
petitioners in person.

versus

STATE OF NCT OF DELHI THROUGH CONCERNED SHO &
ANR. Respondents

Through: Mr.Raghuvinder Verma, APP for the
State.
SI Hawa Singh, PS Mangolpuri
Mr.Rahul Thakur and Mr.Narvir
Singh, advts. For R-2 with R-2 in
person.

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Date of Decision: 01.06.2023

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.226/2013 dated 03.04.2013 under Section 498A/406 IPC at PS Mongolpuri.
2. Learned Counsel for the petitioner submits that Respondent no.2/complainant married petitioner no.1 on 21.11.2007 and out of this wedlock one son namely Master Jatin was born on 06.11.2008. However, it has been submitted that on account of temperamental



differences and mental incompatibility, the parties started living separately in 2010. They instituted multiple litigations against each other and their respective families including the present FIR.

3. Learned Counsel that during the pendency of the proceedings, dispute has been settled between the parties on 10.09.2013 before the Mediation Centre, Rohini district Courts, Delhi on the following terms and conditions:

1) It is mutually settled between the parties that the petitioner and respondent shall get dissolved their marriage by decree of divorce by mutual consent without leveling allegations and counter allegations against each other in accordance with law before the Court of competent jurisdiction at Delhi

2) It is mutually agreed between the parties that the applicant/husband shall pay a total sum of Rs.1,50,000/- (Rupees One Lac Fifty Thousand Only) to the complainant/wife in full and final settlement of all claims of the complainant wife past, present and future arising out of the marriage with respondent which shall include permanent alimony, stridhan, dowry articles, maintenance, maintenance and all other miscellaneous expenses. The settled amount shall be payable as under:-

i) A sum of Rs.50,000/- (Rupees Fifty Thousand Only) at the time of recording statements in First Motion Petition U/s 13B (1) of Hindu Marriage Act which, shall be filed by the parties jointly on or before 20.09.2013.

ii) Another sum of Rs.50,000/- (Rupees Fifty Thousand Only) at the time of recording statements in Second Motion Petition U/s 13 B(2) of Hindu Marriage Act which shall be filed by the parties jointly at the earliest possible stipulated period of six months i.e. on or before 20.03.2014.

iii) The remaining amount of Rs.50,000/- (Rupees Fifty Thousand Only) at the time of quashing of FIR Ne 226/13, P.S. Mangol Puri, u/s 406/498-A/34 IPC before Hon'ble High Court and quashing



petition shall be filed by the applicant/husband on or before 20.04.2014. The complainant/wife shall cooperate in quashing of the said FIR.

3) It is mutually agreed between the parties that the stridhan/dowry articles of the complainant/wife shall be returned by the applicant/husband in terms of one admitted list which is lying in the file of the Investigating Officer of the present case

4) The applicant/husband undertakes to return all the articles of dowry/stridhan to the complainant on 15.09.2013 and the time shall be inquired by both the parties subjected to availability of the I.O.

5) It is further mutually agreed between the parties that in cc.se, there is any discrepancy/shortage of any articles as per the admitted list, the applicant husband undertakes to compensate the complainant/wife in terms of money equivalent to the price that articles and the same would be ascertained by the IO.

6) All the articles of admitted list shall be handed over by applicant/husband to the complainant/wife at P.S. Mangol Puri in the presence of I.O. and the I.O. shall prepare an inventory to that effect and shall obtain the acknowledgment by the complainant/wife at the time of handing over all the articles as per admitted list.

7) It is mutually agreed between the parties that the son namely Jatin, who is presently in the care and custody of the complainant/wife, both the parties hereto want to keep this issue aside from the present settlement and the same is subjected to the judicial verdict later on. However, till the time any Judicial verdict comes, the son Jatin shall remain in the care and custody of the complainant/wife.

8) It is settled that the complainant shall not oppose the ball of the applicant husband.

9) That after receipt of aforesaid settled amount i.e. Rs.1,50,000/- (Rupees One Lac Fifty Thousand only) the complainant/wife shall not lay any claim with regard to her judicial articles/stridhan/dowry articles, alimony and maintenance (past,



present & future) from the applicant/husband in any manner whatsoever.

10)It is mutually agreed between the parties that there shall remain no case/ claim/dispute due between the parties after compliance of the terms of the present settlement and that none of the parties shall file any civil or criminal proceedings against each other in future in respect of the present marriage and that if any other case/petition/complaint etc. between the parties is pending in any Court or Authority either against the parties or against their respective family members and whether it is in the knowledge of other party or not, the same shall be withdrawn/got disposed of by the respective party

4. Pursuant to the settlement, a mutual consent divorce petition was filed and the same was allowed vide decree and judgement dated 11.09.2014 passed by Learned Judge, Family Court, Rohini Courts.
5. 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.226/2013 dated 03.04.2013 under Section 498A/406 IPC at PS Mongolpuri and all the other consequential proceedings
6. 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 pursuant to the settlement, Rs.50,000/- has been given in cash to the respondent no.2 in court today. She submits that the remaining amount has already been paid to her and since the terms of the settlement have been complied with and the marriage between the parties already stands dissolved, she has no objection if FIR no.226/2013 dated 03.04.2013



under Section 498A/406 IPC at PS Mongolpuri. and all the proceedings emanating therefrom are quashed.

7. It is pertinent to note that both parties have also stated that the settlement agreement shall not bind the legal right, title and interest of the child Master Jatin in any manner and Master Jatin shall be at liberty to pursue his legal rights and remedies in accordance with law. Joint statement of Smt.Pinky and Mr.Ajeet has been recorded separately in this regard.
8. It is a settled proposition of law 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 this regard 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. 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.226/2013 dated 03.04.2013 under Section 498A/406 IPC at PS Mongolpuri and all the other consequential proceeding 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

JUNE 01, 2023

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