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

+ **CRL.M.C. 6694/2022, CRL.M.A. 26056/2022**

VAIBHAV

..... Petitioner

Through: Ms.Renu Yadav, Mr.Kapil Kataria
and Ms.Sakshi Tanwar, Advts. with
petitioner in person.

versus

STATE (GOVT. OF NCT DELHI) & ANR. Respondents

Through: Mr.Amit Sahni, APP for the State.
SI Meenu, PS Kirti Nagar

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Date of Decision: 20.07.2023

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. PC seeking quashing of FIR No 579/2014, dated 01.09.2014 registered under section 498A/406/34 IPC at PS Kriti Nagar, Delhi and all the proceedings emanating therefrom.
2. Learned Counsel for the petitioner submits that Respondent no.2/complainant married petitioner no.1 on 11.03.2011, in accordance with the Hindu Rites and Ceremonies in Delhi. No child was born out of the said wedlock. However, on account of temperamental differences and

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mental incompatibility, the parties started living separately in May 2012 and instituted litigation against each other.

3. Learned Counsel further submits that during the pendency of the proceedings, the parties have now settled the matter and on 28.11.2017, the additional Principal Judge, Family Court, Faridabad has recorded the joint statement of the parties, wherein they have stated as follows:

“We were married on 11.3.2012 in accordance with Hindu rites and ceremonies at Gurudwara Istri Sansang Sabha at 2-A/57, Ramesh Nagar, New Delhi. Out of this wedlock, no child was born out. However, due to temperamental differences, we could not adjust ourselves and are living separately since May 2012 and there is no co-habitation between us since then. The efforts made by our relatives and friends for our reunion have also failed and now there is no possibility of our reunion and we have decided to get our marriage dissolved by way of decree of divorce by way of mutual consent. All the dispute between us have been settled for a sum of Rs.2,80,000/- against permanent alimony, maintenance allowance for past, present and future and Istridhan, etc. Out of which an amount of Rs.1,40,000/- has already been paid by the petitioner no.1 to petitioner no.2. As per earlier settlement, petitioner no.1 paid today an amount of Rs.1.40,000/- in cash to the petitioner no.1. We have no claim whatsoever against each other. Even after the period of six months, there is no change in the circumstances and we have decided to get our marriage dissolved by way of decree of divorce. Our joint statement is free from any pressure, coercion or influence from any corner. We shall be bound by the contents of our joint petition and the statements recorded in the Court. We, therefore, pray that our marriage may kindly be dissolved by way of decree of divorce by mutual consent.”



4. Pursuant to the settlement, a mutual divorce petition was also filed and a decree of divorce was granted vide order dated 28.11.2017 passed by additional Principal Judge, Family Court, Faridabad.
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 FIR No 579/2014, dated 01.09.2014 registered under section 498A/406/34 IPC at PS Kriti Nagar, Delhi and all the proceedings emanating therefrom.
6. Both parties have duly been duly identified by the IO. Respondent No. 2 submits that she has entered into the settlement voluntarily without any fear, force, or coercion. She submits that other petitions have already been withdrawn or dismissed. And since the parties have amicably settled, she has no objection to quash FIR No 579/2014, dated 01.09.2014 registered under section 498A/406/34 IPC at PS Kriti Nagar, Delhi and all the proceedings emanating therefrom.
7. 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 offences 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; ***Yashpal Chaudhrani and Others vs. State (Govt. of NCT Delhi) and Another***, 2019 SCC OnLine Del 8179.

8. 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.
9. In view of the above, FIR No 579/2014, dated 01.09.2014 registered under section 498A/406/34 IPC at PS Kriti Nagar, Delhi and all the proceedings emanating therefrom. are quashed.
10. The present petition along with all the pending applications stands disposed of.

DINESH KUMAR SHARMA, J

JULY 20, 2023

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