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

+ CRL.M.C. 6905/2022, CRL.M.A. 26768/2022 & CRL.M.A. 26769/2022

DEEPAK LAMBA & ORS Petitioners
Through: Mr. Sameer Rai, Adv.

versus

STATE (NCT OF DELHI) AND ANR. ... Respondents
Through: Mr. Pradeep Gahalot, APP for the State

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Date of Decision: 5th April, 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 seeking quashing of FIR No. 178/2016 dated 19.03.2016 registered at PS Paschim Vihar under sections 498A/406/34 IPC. The said FIR was lodged at the instance of the respondent No. 2/ wife against the petitioners herein.

2. Facts in brief are that the marriage between the petitioner No. 1 and respondent No. 2/ complainant was solemnized on 17.12.2012 as per Hindu rights and customs in Delhi. No child was born out of the wedlock. Thereafter, due to temperament differences the parties started residing separately. Consequently, the Respondent No. 2/ complainant lodged a complaint with CAW Cell, West Distt, New Delhi, basis which the present F.I.R came to be registered u/s 498A/406/34 IPC at PS Paschim Vihar

against the petitioners herein. Chargesheet has been filed and the matter is pending adjudication before the learned MM-02 (Mahila Courts), West District, Tis Hazari Courts, Delhi.

3. It has been submitted that while the proceedings were underway, with the intervention of family members and well-wishers, the parties settled all their disputes and got recorded a joint statement dated 26.08.2022 in HMA 821 of 2016 titled "*Deepak Arun Lamba Vs Sonia Lamba*" before the learned ADJ, Gurugram Haryana, which is reproduced hereunder:

" ...Stated that we have settled out dispute amicably and will file mutual divorce petition within one week from today and Rs. 15,00, 000/- (Fifteen Lakhs Only) will be paid at the time of First motion itself and respondent namely Sonia Bhasin Lamba Will vacate D- 277, Whispering Meadows Bunglow, Sushant Lok-I, Gurugram within two days of recording statement of first motion. We will cooperate with each other in settling/ withdrawing all criminal and civil litigation pending against each other. "

4. The above statement is reflected in the order dated 26.08.2022 of the learned Addl. Principal Judge, Family Courts, Gurugram, whereby basis the said statement, the matter was adjourned for settlement of the parties and for filing of the divorce petition under section 13B, HMA. Pursuant to the said order, the parties filed a divorce petition to dissolve their marriage by mutual consent and vide order dated 19.11.2022 the learned Principal Judge, Family Courts Gurugram passed the decree of divorce dissolving the marriage of the parties.

5. As per the settlement, the respondent no. 2/complainant has already been paid the entire settled amount of Rs. 15,00,000/- (Rupees Fifteen lacs

only) vide DD No. 507582 dated 06.09.2022 drawn on ICICI Bank, Gurgaon in favour of Sonia Bhasin at the time of recording of first motion. The said DD has been also placed on record.

6. Learned counsel submits that since the parties have amicably resolved all the disputes between them, thus no useful purpose will be served by continuing with the present complaint.

7. The parties are present and have been duly identified by the IO. Respondent No.2/wife has stated that she was married to the petitioner No. 1 namely Deepak Lamba on 17.12.2012. She has stated that owing to temperamental differences they started residing separately since March 2016. She has stated that however, now she has amicably settled all the disputes with the petitioners and wants to put a quietus to the same. She has stated that as per the settlement agreement the petitioner No.1 had to pay her a total amount of Rs. 15,00,000/- and the same has been already received by her during the recording of the statements before the concerned court in the divorce proceedings. She has stated that she has amicably settled with the petitioners out of her own free will, without any fear, force or coercion. She states that the marriage has already been dissolved by decree of divorce dated 19.11.2022. She has stated that she has no more grievance against the petitioners and has no objection if the present FIR and all consequent proceedings emanating therefrom are quashed.

8. I have considered the submissions.

9. This court considers that it is better to put a quietus to disputes of matrimonial nature wherein the parties have amicably settled all their disputes and no longer wish to pursue the complaint on account of such settlement. In the present case, the dispute between the parties has been

settled and continuance of FIR No. 178/2016 would serve no useful purpose and may cause prejudice to the petitioners and be an exercise in futility. The chances of conviction would be bleak given that the parties do not wish to pursue the present complaint on account of the settlement. I do not see any reason to reject the settlement. Moreover, the parties have already been granted divorce and the settled amount has already been paid to the complainant. The Supreme Court and this Court have time and again held that cases arising out of matrimonial disputes should be put to quietus if the parties have arrived upon a genuine settlement. Reliance can be placed on ***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.

10. Considering the totality of facts and circumstances of the case and in view of the submissions of respondent no.2/complainant, the case FIR No. 178/2016 dated 19.03.2016 registered at PS Paschim Vihar, U/s 498A/406/34 IPC and all criminal proceedings emanating therefrom are quashed.

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

DINESH KUMAR SHARMA, J

APRIL 5, 2023

AT.