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

+ **W.P.(CRL) 1691/2024, CRL.M.A. 16443/2024**

PREM CHAND & ORS.

.....Petitioners

Through: Mr. Vinod Pal, Adv. with
petitioners.(VC)

versus

STATE NCT OF DELHI AND ANR.

.....Respondents

Through: Mr. Sanjay Lao, Standing Counsel for
State with ASI Sita Ram, PS Gokal
Puri
R-2 through VC

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER
10.09.2024

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1. The present petition has been filed seeking quashing of FIR No.78/2021 under Sections 498A/406/34IPC registered at PS Gokal Puri and all other proceedings emanating therefrom.
2. Learned Counsel for the petitioner submits that Respondent no.2/complainant married petitioner no.1 on 30.01.2015 in accordance with the Hindu Rites and Ceremonies. Learned counsel further submits that two children namely Hanshraj and Kushpreet were born out of the said marriage. However, on 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.
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 20.06.2022 on the following terms and conditions:

- 1. That it has been agreed by and between the parties that in future both the parties will not quarrel or abuse to each other and they both will reside peacefully in the house of the second party i.e. the matrimonial home of the first party.*
- 2. That it has been agreed between the parties that both the parties will withdraw their above mentioned respective cases/withdraw before filing of the quashing petition.*
- 3. That it has been agreed between the parties that the second party shall file the quashing petition for quashing of the above mentioned FIR before the Hon'ble High Court of Delhi at New Delhi and the first party will co-operate in getting the said FIR quashed before the Hon'ble High Court of Delhi at New Delhi.*
- 4. That it has been agreed by and between the parties that after the execution of the present MOU ie. after signing of both the parties on the present MOU, if any complaint found pending against any of the party and if any party make any complaint against other party then the same shall be treated as null and void as well as withdrawn and they both will not prosecute in future also.*
- 5. That all the contents of this agreement/settlement have been read over and understood by the parties in their vernacular language to their full satisfaction including consent of parents of first party.*
- 6. That the above terms and conditions have been arrived at between the parties on their own free will without any coercion or pressure from any side.*

And whereas the settlement is arrived at between the parties voluntarily, without there being any pressure, coercion or threat or undue influence of any kind and contents of the petition have



been read over to the parties in their vernacular and both the parties put their signatures from their free will, choice and consent without any pressure.

4. Both parties are present in court and have duly been identified by the IO. Respondent no. 2 submits that she would reside with petitioner no.1 at their matrimonial home and has entered the settlement voluntarily without any fear, force or coercion. She submits that other petitions have already been withdrawn or dismissed.
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. 78/2021 registered under Section 498A/406/34 IPC at PS Gokal Puri 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 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.



7. Moreover, the petitioner no.1 and respondent no.2 had solemnized marriage and it is in interest of the society to settle and re-settle the family for their welfare. Therefore, the Court *in Kapil Gupta v. State (NCT of Delhi)* 2022 SCC Online SC 1030 observed that the matrimonial dispute should be quashed considering the new beginning for the distressed family.
8. I have gone through the settlement dated 20.06.2022 which has been placed on record.
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.78/2021 under Sections 498A/406/34IPC registered at PS Gokal Puri 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

SEPTEMBER 10, 2024

Pallavi/KR