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

+ **CRL.M.C. 5197/2024**

VIYEK MEHRA. & ORS.

.....Petitioners

Through: Mr.Pawan Mehta & Mr.Dushyant
Bhargava, Advts.

versus

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

Through: Mr. Digam Singh Dagar, APP for the
State
Ms. Reema Rathee, Mr. Raj Singh,
Advts. with complainant
SI Manish Dahiya, PS Budh Vihar,
Rohini.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

% **10.07.2024**

CRL.M.A. 19855/2024 (exemption)

Exemption is allowed subject to all just exceptions.

CRL.M.C. 5197/2024

1. The present petition has been filed for quashing FIR no. 323/2021 registered under Section 498A/406/34 dated 08.10.2021 at PS Budh Vihar, District North-West.
2. Learned Counsel for the petitioner submits that Respondent no.2/complainant married petitioner no.1 on 11.12.2018 in accordance with the Hindu Rites and Ceremonies. 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. He submits that the chargesheet, in this case, has already been filed under Section 173 CrPC and the matter bearing Cr. Case no. 3920/2023 is pending before the Learned MM, Rohini Courts, New Delhi.

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 23.08.2023 before the Delhi Mediation Centre, Rohini District Courts. As per the settlement it has been agreed between the parties that the petitioner shall pay Rs. 3,00,000/- in full and final settlement of the entire dispute to respondent no. 2/complainant.
4. Pursuant to the settlement, a mutual divorce petition was also filed and a decree of divorce was granted vide order dated 08.01.2024 passed by Learned Judge, Family Court, North-West, Rohini Courts. 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. 323/2021 registered under Section 498A/406/34 dated 08.20.2021 at PS Budh Vihar, District: North-West and all the proceedings emanating therefrom.
5. 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.

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 the entire settled amount has been received. 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 dated 08.01.2024 , she has no objection if FIR no 323/2021 registered under Section 498A/406/34 dated 08.20.2021 at PS Budh Vihar, District: North-West and all the proceedings emanating therefrom are quashed. I have gone through the settlement which has been placed on record. The settlement agreement provides for the following terms and conditions:

“1)The parties will take divorce by mutual consent by presenting appropriate petition(s) in a court of law in accordance with Hindu Marriage Act and other applicable laws.

2)The accused/husband shall pay a total sum of Rs.3,00,000/- (Rupees Three Lakhs only) to the complainant/wife towards full and final settlement qua all her claims (past, present and future) arising out of the marriage with the accused/husband which shall include permanent alimony, stridhan, dowry articles, maintenance and all other miscellaneous expenses.

3) The settlement amount of Rs.3,00,000/- (Rupees Three Lakhs only) shall be paid to accused/husband to the petitioner/wife by way of DD/RTGS/NEFT etc. in the name of complainant Neelam, in the following manner :-

i) Out of settlement amount of Rs.3,00,000/- (Rupees Three Lakhs



Only), a sum of Rs.1,00,000/- (Rupees One Lakh Only) shall be paid by the accused/husband to the complainant/wife at the time of recording of statement in the first motion petition on or before 25.09.2023.

ii) Out of settlement amount of Rs.3,00,000/- (Rupees Three Lakhs Only), a sum of Rs.1,00,000/- (Rupees One Lakh Only) shall be paid by the accused/husband to the complainant/wife by way of DD/RTGS/NEFT in the last week of October, 2023 after recording of the statement in the second motion. The connected case shall be withdrawn after the second motion proceedings.

iii) The parties shall file the first and second motion petition jointly.

4) In case of any default by complainant, the complainant shall be liable to return the amount so received under the settlement and in case of default by accused/husband, the complainant shall be entitled to forfeit the amount received and will be at liberty to revive the cases and act or proceed as per law,

5) It is also agreed that complainant/wife/Neelam shall co-operate in quashing of the FIR no. 0323/2021, before the Hon'ble High Court, in November 2023 against Vivek Mehra (husband), Maya Mehra (mother in law), Pradeep Manoj Dua (Brother in law/Jeth), Puja (sister in law/jethani), Yogesh Kumar Dua (mama sasur). The quashing petition shall be filed by the respondent no.1/husband on his own expenses. The respondent/husband shall pay the balance amount of Rs. 1,00,000/- (Rupees One Lakh Only) to the complainant/wife at the time of quashing of the FIR.

6) After compliance of terms of the settlement, there shall remain no dispute due between the parties and if any other case/petition/complaint etc. between the parties is pending in any Court or Authority, the same shall be withdrawn/got disposed of by the respective party. Both parties shall remain bound by the terms and conditions of the present settlement. ”

7. It is submitted that the petitioner has already paid Rs.2,00,000/- out of a total sum of Rs.3,00,000/- to the Respondent no.2, through first and second motion dated 09.10.2023 and 08.01.2024 respectively.
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. In view of the above FIR no. 323/2021 registered under Section 498A/406/34 dated 08.10.2021 at PS Budh Vihar, District: North-West and all the other proceedings emanating therefrom are quashed.

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

DINESH KUMAR SHARMA, J

JULY 10, 2024

rb/aj