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

+ **CRL.M.C. 5362/2024**

BUNTY

.....Petitioner

Through: Mr.Pankaj Srivastav, Advocate
alongwith petitioner

versus

STATE OF NCT OF DELHI AND ANR.

.....Respondents

Through: Mr.Mukesh Kumar, APP for the State
alongwith SI Sandeep Kumar, P.S.-
Ambedkar Nagar
Ms.Samridhi Bandyopadhyay,
Advocate for R-2 alongwith R-2

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

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19.11.2024

CRL.M.A. 20504/2024 (Exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

CRL.M.C. 5362/2024

1. The present petition has been filed under Section 482 Cr.P.C for quashing of FIR No. 316/2016 for offences punishable under Section 498A/406/506/34 IPC registered at Police Station Ambedkar Nagar and all the other proceedings emanating therefrom.
2. Learned Counsel for the petitioner submits that the petitioner and the respondent no.2/complainant got married on 06.06.2010 in accordance with the Hindu Rites and Ceremonies and one child was



born out of the said wedlock. 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. It is submitted that in terms of the order dated 23.10.2024, a fresh affidavit alongwith the decree of divorce and joint statement of both the parties have been placed on record. However, the Court Master apprised the Court that the same is lying under objections.
4. Let the objections be removed and be brought on record.
5. Pursuant to the settlement, it is submitted by both parties that the marriage between them has already been dissolved on 17.01.2019 vide decree of divorce in HMA No. 99/19 by the learned Principal Judge (South), Family Courts, Saket, New Delhi.
6. 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. 316/2016 for offences punishable under Section 498A/406/506/34 IPC registered at Police Station Ambedkar Nagar and all the other proceedings emanating therefrom.
7. I have gone through the affidavit filed on behalf of the respondent No.2 dated 25.10.2024 which has been placed on record. The parties



have entered into the settlement on the following terms and conditions:

“...4. That the settlement was made between the petitioner and the respondent no. 2 amicably due to the intervention of common friends and respectable elders vide compromise deed dated 24.08.2022 which is annexed with the Crl Misc (Main) no, 5362 of 2024 as ANNEXURE B.

5. That the respondent no. 2 and the petitioner have been blessed with a boy child who is currently around 10 years of age.

6. That the petitioner had made the settlement with the respondent no. 2 and Rs. 3,00,000/- in full had been paid to the respondent. It was also amicably settled between the parties that out of Rs. 3,00,000/-, Rs. 1,50,000/- has been paid to the child and Rs. 1,50,000/- is being paid to the respondent no. 2 and no further claim will be made in future in respect of the same.

7. That it is pristine to mention herein that the rights of child are not in any manner, affected by the compromise between the deponent and the respondent no. 2, and the rights of the child shall be fully protected by the deponent...”

8. Both parties are present in Court and have duly been identified by the Investigation Officer. Respondent No. 2 submits that she has entered the settlement voluntarily without any fear, force, or coercion. She submits that other petitions have already been withdrawn or dismissed. And since the marriage between the parties has also been dissolved as per Hindu Rites, she has no objection if FIR No. 316/2016 for offences punishable under Section 498A/406/506/34 IPC registered at Police Station Ambedkar Nagar and all the other proceedings emanating therefrom are quashed.



9. The total settlement amount in terms of the affidavit dated 25.10.2024 is Rs. 3,00,000/-. Respondent No. 2 states that she has received the entire settlement amount.
10. 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.
11. 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.
12. In view of the above, FIR No. 316/2016 for offences punishable under Section 498A/406/506/34 IPC registered at Police Station Ambedkar Nagar and all the other proceedings emanating therefrom are quashed. However, this shall not bind the legal



rights, title, and interest of the child in any manner. The child shall be at liberty to pursue their legal rights in accordance with law.

13. The present petition along with all the pending applications stand disposed of.

DINESH KUMAR SHARMA, J

NOVEMBER 19, 2024

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