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

+ **CRL.M.C. 5409/2024**

IQBAL & ORS.

.....Petitioner

Through: Ms Ashima Khan, Mohammed Ayaz
Mr. Javed Ashraf Khan, Mr.
RafiurRahman Advocates with
petitioners in person

versus

STATE & ANR.

.....Respondents

Through: Mr.Digam Singh Dagar, APP for the
State.
Mr.Vineet Kumar, advocate for R-2
with Respondent no.2 in person.
SI Sharmila Yadav PS Wazirabad

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

07.08.2024

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1. The present petition has been filed for quashing of case FIR no.1047/2023 registered under Section 498A/406/34 IPC at PS Wazirabad and all the other proceedings emanating therefrom
2. Learned Counsel for the petitioner submits that Respondent no.2/complainant married petitioner no.1 on 17.09.2017 in accordance with the Muslim 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

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 09.02.2024
4. Respondent no.2 is present and states that parties are residing together and further states that she has settled the matter with her own free will without any fear, force or coercion. IO has identified the parties
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. 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 in light of the new beginning for the distressed family.
7. 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.

8. I have gone through the settlement which has been placed on record. The settlement agreement provides for the following terms and conditions:

4. That the parties have agreed that both parties shall live peacefully and First Party shall live with her husband and other family members and all confusions as aroused are resolved and Second Party shall treat the First Party with love and affection.

5. That First Party shall live with Second Party separately or with family.

6. That this MOU have compromised/settled all their claims, disputes and offences whatsoever against each other amicably without any force, pressure, fraud, coercion or undue influence.

7. That First Party undertakes to co operate the second party for quashing of said FIR and its consequential proceedings before Hon'ble High Court of Delhi. The first party shall appear before High Court and shall make her statement in this regard.

8. That the parties undertake not to file any case/ petition/suit of whatsoever nature against each other in any court of law.

9. That this Memorandum of Settlement has been executed by the parties after understanding the contents in their vernacular language and with their free will and consent without any force, fraud, pressure and undue influence.

10. That the parties undertake to abide by the terms and conditions of this settlement in true spirit.

9. In view of the settlement arrived at between the parties, FIR no.1047/2023 registered under Section 498A/406/34 IPC at PS Wazirabad and all the other proceedings emanating therefrom is quashed.



10. The petition stands disposed.

DINESH KUMAR SHARMA, J

AUGUST 7, 2024
rb/k..