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

+ **CRL.M.C. 5505/2024**

IRFAN KHAN & ORS.Petitioners

Through: Mr.Habibur Rahman, Adv. with
petitioners in person.

versus

THE STATE & ANR.Respondents

Through: Mr.Digam Singh Dagar, APP for the
State.
Mr.Danish, Adv. for R-2 with R-2 in
person.
SI Saurabh, PS Neb Sarai

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

22.07.2024

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1. The present petition has been filed for quashing FIR no. 0509 dated 24.11.2018 registered under Section 498A/406/34 IPC at PS Neb Sarai.
2. Learned Counsel for the petitioner submits that Respondent no.2/complainant married petitioner no.1 on 26.04.2015 in accordance with the Muslim Rights and Rituals. 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 the Respondent No.2, who is the Wife of the Petitioner



has made a No Objection Affidavit wherein she has mentioned that she has no Complaint or grievance against the Petitioners and have no objection if the present FIR is quashed.

4. The Petitioner and the Respondent No.2 are now living together happily for last three years. The Respondent No.2 is residing at her matrimonial home with the petitioner.

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.0509 registered under Section 498A/406/34 IPC at PS Neb Sarai 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. 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 that other petitions have already been withdrawn or dismissed. And since the petitioner and



Respondent No.2 have resolved their disputes and are living together, she has no objection if FIR no.0509 registered under Section 498A/406/34 IPC at PS Neb Sarai be quashed and all the proceedings emanating therefrom.

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.

9. In view of the above, FIR no.0509 registered under Section 498A/406/34 IPC at PS Neb Sarai and all the other proceedings emanating therefrom are quashed.

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

DINESH KUMAR SHARMA, J

JULY 22, 2024/rb/dg