



\$~110

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

+ **CRL.M.C. 5506/2024**

SH. DEEPAK & ORS.

.....Petitioners

Through: Mr.Pankaj Kumar Dubey, adv. with
petitioners in person.

versus

STATE (GOVT, OF NCT DELHI) AND ANR.

.....Respondents

Through: Mr.Satish Kumar, APP for the
State
ASI Sujan Singh, PS Nihal Vihar
Respondent no.2 in person.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

%

22.07.2024

CRL.M.A. 21018/2024 (exemption)

Exemption is allowed, subject to all just exceptions.

The application stands disposed of.

CRL.M.C. 5506/2024

1. The present petition has been filed for quashing FIR no. 638 dated 24.05.2022 registered under Section 498A/406/34 IPC at PS Nihal Vihar.
2. Learned Counsel for the petitioner submits that Respondent no.2/complainant married petitioner no.1 on 29.04.2018 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.

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 settlement agreement dated 29.04.2023 before the Mediation Centre, Rohini Court, Delhi. As per the settlement Agreement it has been agreed between the parties that Petitioner shall pay Rs. 5,00,000/- in full and final settlement of the entire dispute to Respondent No.2/Complainant in 4 instalments amounting to Rs. 1,25,000/- each. First instalment had to be paid at the time of first motion of divorce by way of mutual consent, second instalment is to be paid at the time of the quashing of the FIR's bearing No. 28/2022, under section 323/341/506/34 IPC, P.S Mangolpuri Delhi. Third instalment was to be paid at the time of recording of the statements of both the parties in second motion of divorce by way of mutual consent and forth and final installment was to be paid by the Petitioner No.1 to the Respondent No.2 at the time of quashing of the present FIR as mentioned in the present petition.

4. Pursuant to the settlement, a mutual divorce petition was also filed and a decree of divorce was granted vide order dated 7.06.2024 passed by Learned Judge Family Court, North West, Rohini, Delhi.

5. Demand draft no.115314 dated 11.07.2024 drawn on Karnataka Bank Ltd., Ashok Vihar, Delhi in the sum of Rs.1,25,000/- in the name of Karishma Gupta has been handed over the respondent no.2 in court today.

6. Divorce has already been granted. The custody of the child is with the mother. The settlement shall not affect the present/future rights, title or interest of the child namely Krishna in any manner.



7. 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.638 registered under Section 498A/406/34 IPC at PS Nihal Vihar and all the proceedings emanating therefrom.
8. 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.
9. 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 marriage between the parties has also been dissolved by a decree of divorce by mutual consent order/judgement dated 07.06.2024,she has no objection if FIR no.638 registered under Section 498A/406/34 IPC at PS Nihal Vihar be quashed and all the proceedings emanating therefrom.



10. 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.
11. In view of the above, FIR no.638 registered under Section 498A/406/34 IPC at PS Nihal Vihar and all the other proceedings emanating therefrom are quashed.
12. The present petition along with all the pending applications stands disposed of.

DINESH KUMAR SHARMA, J

JULY 22, 2024

rb/dg