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

+ W.P.(CRL) 2249/2024

SHAKTI SINGH & ORS.

.....Petitioners

Through: Mr. Rahul Mishra, Adv. along with
petitioners

versus

STATE NCT OF DELHI AND ANR

.....Respondents

Through: Mr. Sanjay Lao, Standing counsel for
State and SI Ghanshyam, PS Sarai
Rohilla.

Ms. Preeti, Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

10.12.2024

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1. The Present petition has been filed under Article 226 of the Constitution of India, read with section 528 of BNSS for quashing of FIR No. 0724/2021 dated 01.12.2021 registered under Section 498A/34 IPC at PS Sarai Rohilla and all the other proceedings emanating therefrom.
2. Learned Counsel for the petitioner submits that Respondent no.2/complainant married petitioner no.1 on 02.12.2019 in accordance with the Hindu Rites and Ceremonies, and no child was born out of the said wedlock. However, on account of temperamental differences and mental incompatibility, the parties started living separately since 15.11.2020 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 vide MoU dated 03.07.2024. Pursuant to the settlement, it is submitted by both parties that the marriage between them has already been dissolved by way of divorce.

4. 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. 0724/2021 dated 01.12.2021 registered under Section 498A/34 IPC at PS Sarai Rohilla and all the other proceedings emanating therefrom.
5. I have gone through the settlement deed dated 03.07.2024 which has been placed on record. The settlement agreement provides for the following terms and conditions:

“i. It has been agreed upon between the parties that both the parties shall dissolve their marriage by mutual consent by way of filing of petition under section 13-B (1) and 13-B (2) of HMA 1955 before the competent court of law.

ii. It has also been agreed between the parties that the total consideration amount i.e. Rs.1,18,000/- shall be paid by the second party to the first party in lieu of stridhan, dowry articles, maintenance (present past and future) was settled and according to the settlement the second party shall pay a sum of Rs.60000/- at the time recording the statement for quashing the FIR no. 0724/2021 U/s 498A/34 IPC-0 PS Sarai Rohilla, Delhi and later the amount of Rs.60000/- shall be paid at the time of recording the statement of first motion petition U/s 13-B (1) of HMA and balance amount of Rs.60000/- shall be paid at the time of recording the statement of second motion petition U/s 13-B (2) of HMA before the Hon 'ble Principal Judge, Family court. The first party undertaken that she would withdraw her pending cases.

iii. It has also been agreed between the parties that the first



party shall withdraw her criminal complaint pending against the second party for any reason whatsoever after execution of first motion petition.

iv. It has also been agreed between the parties that all litigations filed against each other shall be withdrawn if any and those complaints, cases etc. would become ineffective against each other. The first party shall not seek any maintenance for present, past and future from the second party at any point of time.

v. The parties to this MOU undertake not to file any Case/complaint against each other or their family members before any authority in future and if any such complaint/case is pending before any authority or Court then the same shall be deemed to be withdrawn.

vi. That if the obligation under the settlement and compromise deed /undertaking/ consent order /decree shall be breached by either party then at the instance of the aggrieved party, appropriate order shall be passed in accordance with law.”

6. The total settlement amount in terms of settlement deed dated 03.07.2024 is Rs.1,18,000/-. Respondent No. 2 states that she has received the entire settlement amount.
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 marriage between the parties has also been dissolved as per Hindu Rites, she has no objection if FIR No. 0724/2021 dated 01.12.2021 registered under Section 498A/34 IPC at PS Sarai Rohilla and all the other proceedings emanating therefrom are quashed.



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) 5SCC 226; ***Yashpal Chaudhrani and Others vs. State (Govt. of NCT Delhi) and Another***, 2019 SCC OnLine Del 8179.
9. 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.
10. In view of the above, FIR No. 0724/2021 dated 01.12.2021 registered under Section 498A/34 IPC at PS Sarai Rohilla and all the other proceedings emanating therefrom are quashed.
11. The present petition, along with all the pending applications, stands disposed of.

DINESH KUMAR SHARMA, J

DECEMBER 10, 2024/pp/HT