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

+ **CRL.M.C. 5812/2024, CRL.M.A. 22211/2024**

RAVI GUPTA & ORS.

.....Petitioner

Through: Mr. Anuj Jain, advocate with
petitioners in person

versus

THE STATE NCT OF DELHI & ANR.

.....Respondents

Through: Mr.Digam Singh Dagar, APP for the
State.
SI Narendra Singh PS CR Park
Ms Mamta advocate for R-2 with R-2
in person.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

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07.08.2024

1. The present petition has been filed for quashing of case FIR No.191/2015 dated 28.05.2015 registered under Section 498A/406/34 IPC at PS Chitranjan park and all the other proceedings emanating therefrom
2. Learned Counsel for the petitioner submits that Respondent no.2/complainant married petitioner no.1 on 22.04.2006 in accordance with the Hindu Rites and Ceremonies and out of the said wedlock, one child i.e. Master 'A' was born on 14.01.2009. However, on account of temperamental differences and mental incompatibility, the parties started living separately since 15.05.2012, 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 with the intervention of respective counsels, mediator, family, friends and well-wishers. As per the settlement it has been agreed between the parties that the petitioner shall pay Rs. 1,50,000/- as full and final settlement of the entire dispute to respondent no. 2/complainant.
4. Pursuant to the settlement, a mutual divorce petition was also filed and a decree of divorce was granted vide order dated 6.10.2023 passed by Learned Judge Family Court, South East, Saket Court, New Delhi.
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. 191/2015 registered under Section 498A/406/34 IPC at PS Chitranjan Park 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 marriage between the parties has also been dissolved by a decree of divorce by mutual consent order/judgment dated 6.10.2023 she has no objection if FIR No. 191/2015 registered under Section registered under Section 498A/406/34 IPC at PS Chitranjan Park and all the proceedings emanating therefrom are quashed.
8. A joint statement of the parties has been recorded in Court, with respect to the child, stating that the mutual decree or any other settlement shall not bind the legal rights, title, and interest of the child namely Master 'Aadit' aged 15 years, in any manner.
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 settlement arrived at between the parties, FIR no.191 dated 28.05.2015 registered under Section 498A/406/34 IPC at PS Chitranjan park and all the other proceedings emanating therefrom is quashed.
11. The petition stands disposed.

DINESH KUMAR SHARMA, J

AUGUST 7, 2024/rb/k...