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

+ **CRL.M.C. 5830/2024**

SURJIT SINGH AND ORS

.....Petitioners

Through: Mr. Pankaj Sachdeva, Mr.Amit
Nagar, Ms. Shalini Gupta, Advs.

versus

STATE OF NCT OF DELHI AND ANR.

.....Respondents

Through: Mr. Kiran Bairwa, APP for the State
with ASI Suryakant SI Aakash PS
Mahendra Park

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

31.07.2024

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CRL.M.A. 22291/2024(exemption)

Exemption is allowed subject to all just exceptions.

CRL.M.C. 5830/2024

1. The Present petition has been filed under section 482 Cr.P.C for quashing of FIR 434/2022 registered under Section 498A/406/34 IPC at PS Mahendra 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 06.05.2019 in accordance with the Sikh Rites and Ceremonies at Delhi and no child was born out of the said wedlock. 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 MOU/Settlement Deed dated 06.04.2023.
4. Pursuant to the settlement, it is submitted by both parties that the marriage between them has already been dissolved on 04.05.2023 in HMA NO. 927/2023 by the Court of Judge, Family Court, North District, Rohini Courts, 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 434/2022 registered under Section 498A/406/34 IPC at PS Mahendra Park and all the other proceedings emanating therefrom.
6. Vide order dated 04.05.2023, the marriage solemnized on 06.05.2019 in Delhi according to Hindu rites between the petitioner and respondent no. 2 was dissolved. A settlement was reached on 06.04.2023 to amicably settle their disputes for a consideration of Rs. 50,000/-. No child was born out of the wedlock.
7. 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.

8. 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 and already received full and final settlement of Rs.50,000/- as per the settlement vide order dated 04.05.2023. She submits that since the marriage between the parties has also been dissolved as per Muslim Rites, she has no objection if FIR 434/2022 registered under Section 498A/406/34 IPC at PS Mahendra Park and all the other proceedings emanating therefrom are quashed.
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 434/2022 registered under Section 498A/406/34 IPC at PS Mahendra Park and all the other proceedings emanating therefrom are quashed.

11. The present petition along with all the pending applications stand disposed of.

DINESH KUMAR SHARMA, J

JULY 31, 2024

Pallavi