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

+ **CRL.M.C. 5837/2024**

VIKKY & ORS.

.....Petitioners

Through: Mohd. Musabbir Ansari, Adv.(VC)

versus

**THE STATE OF NCT OF DELHI THROUGH SHO PS TIGRI &
ANR.**

.....Respondents

Through: Mr. Kiran Bairwa, APP for the State
with SI Shashi Bhushan, with SI
SoaumyaKulhar, PS Tigri
Mr. Akbar Taj, Adv. for R-2(VC)

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

% **31.07.2024**

CRL.M.A. 22312/2024 (exemption)

Exemption is allowed subject to all just exceptions.

CRL.M.C. 5837/2024

1. The present petition has been filed seeking quashing of FIR in case FIR No.350/2019 registered at PS Tigri under Sections 498A/406/34 IPC.
2. Learned Counsel for the petitioner submits that Respondent no.2/complainant married petitioner no.1 on 11.11.2016 in accordance with the Hindu Rites and Ceremonies at Delhi and a girl child namely Bhavya was born out of the said wedlock on 18.12.2017. 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, are living together happily in peace and harmony. This has also been mentioned in the affidavit provided by Respondent No. 2, stating that she has joined her matrimonial home and has been residing with the petitioner since March 2024.
4. Furthermore, the Learned Counsel for the petitioners submits that since the parties have resolved all their differences amicably, it would be in the interest of justice to quash FIR No. 350/2019 registered at PS Tigri under Sections 498A/406/34 IPC and all other proceedings emanating therefrom.
5. 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.



6. Both parties are present in court and have duly been identified by the IO. Respondent No. 2 submits that she is living with the petitioner happily voluntarily without any fear, force, or coercion. 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.
7. 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.
8. 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.
9. The present petition along with all the pending applications stand disposed of.

DINESH KUMAR SHARMA, J

JULY 31, 2024

Pallavi