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

+ **CRL.M.C. 5887/2024**

YOGENDER SINGH & ORS.

.....Petitioners

Through: Mr. Dinesh Priani, Ms. Priya Jain,
Mr. Sachin Bhardwaj, Mr.
Dharmendra Pirani, Mr. J. R.
Priani, Advs. with P-1.

versus

STATE N.C.T OF DELHI & ANR.

.....Respondents

Through: Mr. Kiran Bairwa, APP for the State
with ASI Mahesh Kumar, PS CWC
Nanakpura.
Mr. Jagat Ram, Mr. Tushar Manchal,
Advs. with R-2.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

28.08.2024

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13. The present petition has been filed seeking quashing of case FIR No. 0052/2021 under Section 498A/406/34 IPC registered at PS Crime (Women) Cell Nanak Pura against the petitioners and the proceedings emanating therefrom. The chargesheet has been filed.

14. Learned Counsel for the petitioner submits that Respondent no.2/complainant married petitioner no.1 on 17.02.2018 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 w.e.f. 09.03.2021 and instituted multiple litigations against each other and their respective families including the present FIR.



15. Learned Counsel further submits that during the pendency of the proceedings, the parties have resolved their disputes amicably with intervention of the Court, and in furtherance thereof, a settlement which was duly recorded on 04.05.2023 passed by learned Judge, Family Courts Tis Hazari Courts.
16. Pursuant to the settlement, it is submitted by both parties that the marriage between them has already been dissolved on 21.05.2024 by the Court of learned Principal Judge, Family Court, East District, KKD, Courts vide HMA No.1297/2024.
17. 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. 0052/2021 under Section 498A/406/34 IPC registered at PS Crime (Women) Cell Nanak Pura and all the other proceedings emanating therefrom.
18. I have gone through the order dated 21.05.2024, passed by learned Judge, Family Courts Tis Hazari Courts which has been placed on record. The settlement recorded in the order dated 21.05.2024 is as follows:

“Today before the Court both the parties have arrived at a settlement in the sum of Rs. 45,75,000/-, out of which Rs. 16.75 shall be paid at the time of recording of statement under section 13 B (I) of HMA, Rs. 10 lacs at the time of recording of statement under section 13B (2) of HMA and balance Rs. 19 lacs at the time of quashing of FIR No.52/21 PS CAW Cell Nanakpura, Delhi under sections 406/498A/34 of IPC and e-FIR No. 015750/21 PS Malviya Nagar, under section 379 of IPC.



A car bearing no. DLIOCK2979, Honda WRY, registered in the name of respondent is in petitioner's possession. Respondent has agreed to transfer ownership of the car in petitioner's name at the time of recording of statement under section 13 B (I) of HMA.

The present case under section 125 of CrPC and the case under Protection of Women from Domestic Violence Act, 2005 shall be withdrawn at the time of recording of statement under section 13 B (2) of HMA or within one week thereafter.

It is jointly agreed that petition under section 13 B (I) of HMA shall be filed within two weeks from today and the second motion petition shall be thereafter filed at the earliest.

Parties have agreed to file petition for quashing of FIR within a month of disposal of the second motion divorce petition.

It is also agreed that payment shall be made through demand drafts.”

19.The total settlement amount in terms of settlement recorded vide order dated 04.05.2023 is Rs.45,75,000/- Today, as per settlement, a demand draft bearing DD No 028698 dated 29.07.2024 drawn on HDFC Bank for the sum of Rs.19,00,000/- in the name of Swati Malik is handed over to the respondent No.2 in the Court. Respondent No. 2 states that she has received the entire settlement amount.

20.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.

21. 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 on 20.07.2024 by the Court of learned Principal Judge, Family Court, East District, KKD, Courts vide HMA No.1297/2024, she has no objection if FIR No. 0052/2021 under Section 498A/406/34 IPC registered at PS Crime (Women) Cell Nanak Pura and all the other proceedings emanating therefrom are quashed.

22. 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.

23. In view of the above, FIR No. 0052/2021 under Section 498A/406/34 IPC registered at PS Crime (Women) Cell Nanak



Pura and all the other proceedings emanating therefrom are quashed.

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

DINESH KUMAR SHARMA, J

AUGUST 28, 2024/Pallavi/DG