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

+ **CRL.M.C. 5981/2024**

SH. PANKAJ KUMAR DUBEY & ORS.Petitioners

Through: **Mr. Abhishek Kumar Mishra, Mr.
Abhishek Goyal, Advs.**

versus

THE STATE N.C.T. OF DELHI & ANR.Respondents

Through: **Ms. Kiran Bairwa, APP for the State
Mr. Sanjeev Kumar Choudhary, Adv.
for R-2
SI mahendra Koli, PS Bhalsa Dairy,
ASI Vinod Kumar, PS Begum Pur.**

**CORAM:
HON'BLE MR. JUSTICE DINESH KUMAR SHARMA**

**ORDER
05.08.2024**

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CRL.M.A. 22850/2024 (exemption)

Exemption is allowed subject to all just exceptions.

CRL.M.C. 5981/2024

1. The present petition has been filed under Section 482 Cr. PC seeking quashing of FIR No.146/2017 registered at PS Bhalaswa Dairy, Delhi registered under Section 323/354/354B/509/34 IPC on 06.03.2017 .
2. It has been submitted that the marriage between petitioner No.1 and respondent No.2 were solemnized at Ghazipur, U.P. according to Hindu rites and ceremonies on 09.05.2014. However, in November,



2015, certain temperamental differences and mental incompatibility arose between the parties. In 2017, the FIR No.146/2017 registered at PS Bhalaswa Dairy, Delhi registered under Section 323/354/354B/509/34 IPC has been lodged on 06.03.2017. The complainant has made various allegations against the petitioners. On 28.07.2024, chargesheet was filed. However, now the parties have settled the matter vide MoU dated 29.07.2024 on following terms and conditions;

WHEREAS T the present matter has been amicably settled out just after few days of registration of present FIR between first party and second party with the intervention of elder one and respectable members of society and relatives, consideration. without any condition/

WHEREAS second party had started cohabiting/residing with first party from the very day of settlement of disputes in present FIR and both first party and second party are discharging their conjugal rights towards each other as husband and wife, peacefully and happily.

WHEREAS second party is not desiring to proceed the aforesaid FIR against the first party (Pankaj Kumar Dubey), father in law (Subhash Chand Dubey), both Chacha Sasur (Surya Prakash Dubey and Kamlesh Kuamr Dubey), brother in law (Omkar Nath Dubey @ Golu) and that is why both the parties are ready to get quashed the aforesaid FIR with their mutual collaboration.

WHEREAS second party is agree to get quashed the aforesaid FIR against all persons (supra) without any consideration as well as condition.

WHEREAS both the parties are agree mutually to rotate their matrimonial life happily and peacefully like as a prudent person without any dispute in future.”



3. 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***.
4. Both parties are present in court and have been duly identified by the IO. Respondent No. 2 submits that she has entered the MOU dated 29.07.2024 voluntarily without any fear, force, or coercion. Since both parties are residing together, Respondent No. 2 has no objection if FIR No. 146/2017 registered at PS Bhalaswa Dairy, Delhi dated 06.03.2017 under Section 323/354/354B/509/34 IPC, and all the proceedings emanating therefrom, are quashed
5. Taking into account and 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.



6. In view of the above, FIR No. 146/2017 registered at PS Bhalaswa Dairy, Delhi dated 06.03.2017 under Section 323/354/354B/509/34 IPC and all the other proceedings emanating therefrom are quashed.
7. The present petition stands disposed of.

DINESH KUMAR SHARMA, J

AUGUST 5, 2024

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