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

+ **W.P.(CRL) 2482/2024**

ROHIT & ORS.

.....Petitioner

Through: Mr.Ankur Sood and Mr.Pratap
Sharma, advts. with petitioners in
person.

versus

STATE NCT OF DELHI AND ANR.

.....Respondents

Through: Mr.Anand V Khatri, ASC (CrI.),
GNCTD/State
SI Vinay, PS Sunlight colony
Respondent no.2 in person.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

16.08.2024

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1. Present petition has been filed for quashing of case FIR no.450 dated 12.10.2016 registered under Section 498A/406 IPC at PS Sunlight Colony and all the other proceedings emanating therefrom.
2. Learned Counsel for the petitioner submits that Respondent no.2/complainant married petitioner no.1 on 25.04.2008 in accordance with the **Hindu Rites and Ceremonies** and in 2011 a male child was born out of 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. He submits that, in this case, a petition under the Domestic Violence Act had already been



filed, and subsequently, the present FIR was registered.

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 settlement in the family court, South, Saket Courts, New Delhi on 01.02.2020.
4. 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.450 dated 12.10.2016 registered under Section 498A/406 IPC at PS Sunlight Colony and all the other proceedings emanating therefrom
5. I have gone through the settlement deed dated 01.02.2020 which has been placed on record. The settlement agreement provides for the following terms and conditions:
 1. *It is agreed between the parties that they will start living together in the H.No.75, Garhi (4th Floor) w.e.f. 8th March, 2020.*
 2. *It is further agreed between the parties that the petitioner /respondent will withdraw the case which is pending in the court of*
 - (i) *Ms Madhu Jain, Ld. Principal Judge i.e. Maintenance & execution.*
 - (ii) *Sh.Saneev Jain, Principal Judge i.e. Guardianship and Divorce on 06/02/2020*
 3. *The husband (Rohit) will pay the remaining maintenance of Rs two Lacs fifty thousand only to the wife (Seema) in instalments after six months*
 4. *It is further agreed between the parties that the husband shall bear all the household expenses and medical / educational expenses of the wife and child. And husband shall pay Rs 6000/- (Six thousand only) to the wife as pocket money for her personal expenses per month.*
 5. *The family members of both the parties will not interfere in their matrimonial life and relationship.*
 6. *It is further agreed between the parties that both the*



petitioner and the respondent shall reside as dutiful husband and wife and carry out their marital duties and responsibilities.

7. It is further agreed between the parties that they have understood of their own free will and without any force, pressure and coercion and the parties have signed it in my presence

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) 5SCC 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 she and petitioner are residing together, she has no objection if FIR No. 450 dated 12.10.2016, registered under Sections 498A/406 IPC at PS Sunlight Colony and all the other proceedings emanating therefrom are quashed. Learned APP has also submitted that the father-in-law, Mr. Chatar Singh is also accused in this case. Learned counsel for the petitioner submits that the Father-in-law, Mr. Chatar Singh, resides separately and does not want to join the proceedings.



8. 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.
9. In the circumstances, FIR No. 450 dated 12.10.2016, registered under Sections 498A/406 IPC at PS Sunlight Colony, and all other proceedings emanating therefrom against the present petitioners are quashed.
10. The petition stands disposed of.

DINESH KUMAR SHARMA, J

AUGUST 16, 2024
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