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

+ **CRL.M.C. 6354/2024, CRL.M.A. 24304/2024**

SURESH MAHENDRA GHUGHTYAL & ANR.Petitioners

Through: Mr.Raj Kumar & Mr.N.K.Gupta,
Advocates with petitioners in person.
versus

STATE NCT OF DELHI AND ANR.Respondents

Through: Ms.Kiran Bairwa, APP for the State
Mr.Puneesh Grover, Adv. for R-2
with R-2 in person.
WSI Khushbu Singh, PS Kalyanpuri,

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER
16.08.2024

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CRL.M.A. 24304/2024 (exemption)

Exemption is allowed, subject to all just exceptions.

The application stands disposed of.

CRL.M.C. 6354/2024

1. The present petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR no.401 dated 12.08.2021 registered under Section 498A/34 IPC at PS Kalyanpuri and all other proceedings emanating therefrom.
2. Learned Counsel for the petitioner submits that the marriage between Respondent no.2/complainant and petitioner no.1 was solemnised on 08.06.2019 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 since 26.10.2020 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 settlement agreement dated 29.01.2024.
4. Pursuant to the settlement, it is submitted by both the parties that the marriage between them has already been dissolved on 02.04.2024.
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 No.0401/2021 was registered under section 498-A/34 of Indian Penal Code at P.S. Kalyan Puri, Delhi and all the other proceedings emanating therefrom.
6. Issue notice. Learned APP has accepted the notice. The complaint/respondent no.2 is present in person with counsel and has accepted the notice.
7. Learned APP has submits that in the present case though the FIR was lodged under Section 498A/34 IPC but later on the prosecutrix in her statement under Section 164 Cr.P.C. made the allegation against the husband for the offence under Section 377 IPC and 406 IPC. Learned APP submits that the matter is still pending investigation.
8. I have gone through the settlement deed dated 29.01.2024 which has been placed on record. The settlement agreement provides for the



following terms and conditions:

1. *That the petitioner and respondent shall take divorce by way of mutual consent within the jurisdiction of Delhi Court.*

2. *It is agreed between the parties that the husband/petitioner shall pay to the wife/respondent a sum of Rs.10,00,000/- (Ten 1.akhs only) as full and final settlement (against Istridhan dowry, maintenance, compensation and permanent alimony towards past, present and future qua this marriage and nothing shall remain due qua this marriage).*

3. *It has been agreed between the parties that the above settled amount of Rs.10,00,000/- shall be paid by the petitioner to the respondent by way of cash/demand draft mode in the following manner.*

(i) *Rs. 1,00,000 (Three 1.akhs only) shall be paid by the petitioner to the respondent and one gold ring and one gold chain give to the respondent by the petitioner at the time of firs motion statement. The first motion petition shall be filed by the parties within one month from the date of settlement*

(ii) *Rs. 4,00,000 (four lakhs only) shall be paid by the petitioner to the respondent at the time of second motion statement. The second motion petition shall be filed by the parties within fifteen days after expiry of the statutory period of six months.*

(iii) *It is agreed between the parties that the respondent will withdraw the case of Execution case and 12 of D.V. Act before second motion statement. The Petitioner will withdraw the case a Divorce and any complaint case at the time of first motion statement.*

iv) *Rs. 3,00,000/- (Three lakhs only) shall be paid by the petitioner to the respondent at the time of quashing of FIR No. 401/21, 498-A/34 IPC, P.S. Kalyanpuri before the Hon'ble High Court of Delhi. It has been further agreed between the parties that the petitioner shall file the petition for quashing of above FIR before the Hon'ble High Court of Delhi after dissolution of marriage. The respondent undertakes to cooperate in all manner with the petitioner and his family members.*

4. *It is agreed between the panics that the petitioner and respondent will never harass each other in future and will not interfere in the life of each other.*

5. *It is agreed between the panics that they shall not file any*



case/complaint/litigation against each other in future in respect of the aforesaid matrimonial dispute In future.

6. It is agreed between the parties that after this settlement, both the parties shall be left with no claims against each other or any nature and shall not claims any rights in any movable or immovable and ancestral properties of the husband/petitioner and vice-versa and their family members and also both the parties and their relatives shall not file any case/litigation against each other in future.

7. That both the parties are free to lead their lives as per their wishes.

8. It is agreed between the parties that they have understood the terms and conditions of the settlement in vernacular.

9. The above said settlement is arrived at between the parties out of their own free will and without any force, pressure and coercion and the parties have signed it in my presence.

10. It is agreed between the parties that if either of the parties commit breach or default of this mutually agreed settlement after the recording of first motion, or respondent backs out, the amount taken at the time of first motion shall be returned to petitioner with @ 2% Interest per month and if petitioner backs out, the amount given at the time of first motion shall stand forfeited by the respondent. It is further understood by the parties that for breach of the undertaking given to the concerned court or willful/deliberate violation of a consent order/decreed, the defaulting party will be liable to be punished for contempt of court.

11. It is agreed between the parties that in the event of failure of the compliance of present settlement, both the parties shall be liberty to seek revival and pursue their respective cases/remedies under law which includes proceeding mentioned herein.

9. 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.

10. 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 as per Hindu Rites, she has no objection if FIR No.0401/2021 was registered under section 498-A/34 of Indian Penal Code at P.S. Kalyan Puri, Delhi and all the other proceedings emanating therefrom are quashed.
11. 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.
12. In view of the above, FIR No.0401/2021 was registered under section 498-A/34 of Indian Penal Code at P.S. Kalyan Puri, Delhi and all the other proceedings emanating therefrom are quashed.
13. The petition stands disposed of.

DINESH KUMAR SHARMA, J

AUGUST 16, 2024/rb/na..