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

+ **CRL.M.C. 6545/2024**

HASEEN KHAN AND ORS

.....Petitioners

Through: Mr. Archit Upadhayay, Adv.
(DHCLSC)
Mr. P. Keshri, Ms. Akshansh, Adv.
with petitioners.

versus

STATE OF NCT OF DELHI AND ANR.

.....Respondents

Through: Ms. Kiran Bairwa, APP for State and
SI Amit Punia, PS Palam Village.
R-2 in person.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

22.08.2024

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CRL.M.A. 25013/2024

1. Exemption allowed, subject to all just exceptions.
2. Application stands disposed of.

CRL.M.C. 6545/2024

3. The present petition has been filed under Section 528 BNSS seeking quashing of case FIR No. 435/2015 dated 10.08.2015 under Section 498A registered at PS Palam Village and all the proceedings emanating therefrom.
4. Learned Counsel for the petitioner submits that Respondent no.2/complainant married petitioner no.1 on 17.02.2008 in accordance



with the Muslim Rites and Ceremonies and two children namely Shabnam @ Suhana aged about 14 years and Soyab aged about 12 years were born out of the said 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. However, the complainant died in the year 2018 during the pendency of the proceedings leaving behind two children.

5. 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 deed dated 21.02.2023. It has been stated that the children are with petitioner No.1.
6. Father of the deceased states that he has entered into the settlement without any fear, force, or coercion. Since, the father of the deceased has no objection if FIR No. 435/2015 dated 10.08.2015 under Section 498A registered at PS Palam Village and all the proceedings emanating therefrom are quashed.
7. 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.

8. I have gone through the settlement which has been placed on record. The settlement agreement provides for the following terms and conditions:

“That it is agreed between the FIRST PARTY and SECOND PARTY that just to resolve the litigation FIRST PARTY has no objection in the quashing of FIR No. 435/2015, PS Palam Village, U/s 498A / 406 IPC, registered against the SECOND PARTY.

That First Party shall withdraw unconditionally all the complaints filed by his deceased daughter against the Second Party or his family member in any court of law, if any.

That Second Party also shall withdraw unconditionally all the complaints filed by them against the First Party or his family member in any court of law, if any.

That the First Party and Second Party shall not file any case / Complaint / any Civil as well as Criminal against each other after the date of execution of this Settlement Deed and their family member in future after executing this compromise deed.”

9. 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. However, this shall not bind the legal rights, title, and interest of the child namely Shabnam @ Suhana aged about 14 years and Soyab aged about 12



years, in any manner. Child namely Shabnam @ Suhana aged about 14 years and Soyab aged about 12 years shall be at liberty to pursue their legal rights in accordance with law.

10. In view of the above, FIR No. 435/2015 dated 10.08.2015 under Section 498A registered at PS Palam Village and all the proceedings emanating therefrom are quashed.
11. The present petition along with all the pending applications stand disposed of.

DINESH KUMAR SHARMA, J

AUGUST 22, 2024/AR/DG..