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

+ **CRL.M.C. 6753/2024**

DILIP KUMAR & ORS.

.....Petitioners

Through: Ms. Shweta Jha, Adv. with
petitioners.

versus

THE STATE NCT OF DELHI & ANR.

.....Respondents

Through: Ms. Kiran Bairwa, APP for the State
and ASI Hira Lal.
R-2 in person.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

29.08.2024

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CRL.M.A. 25794/2024 (Exemption)

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

CRL.M.C. 6753/2024

3. The present petition has been filed under Section 528 BNSS seeking quashing of case FIR No. 620/2021 under Section 498A/406/34 IPC and Section 3/4 Dowry Prohibition Act registered at PS Dayalpur and all the other proceedings emanating therefrom.
4. Learned Counsel for the petitioner submits that Respondent no.2/complainant married petitioner no.1 on 28.02.2019 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 and instituted multiple litigations against each other and their respective families including the present FIR.

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 agreement dated 02.03.2021.
6. Pursuant to the settlement, it is submitted by both parties that the marriage between them has already been dissolved on 27.10.2023 as per law.
7. 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. 620/2021 under Section 498A/406/34 IPC and Section 3/4 Dowry Prohibition Act registered at PS Dayalpur and all the other proceedings emanating therefrom.
8. I have gone through the settlement deed dated 02.03.2021 which has been placed on record. The settlement agreement provides for the following terms and conditions:

“1. Whereas the first party got married to second party with hindu rites and customs on 28/02/2019 at P.R. Marriage Home, Dayalpur, Delhi 110094 in the presence of relatives, friends and the family members of the first party but after some days of marriage dispute arose between the parties and they started residing separately from each other.

2. That the First party Ms. Radha Tiwari on 02/03/2021 is signing the agreement for separation with Mr. Dilip Kumar with her own consent and without any threat from anyone.



3. *That the Second party Ms. Dilip Kumar on 02/03/2021 is signing the agreement for separation with Ms. Radha Tiwari with his own consent and without any threat from anyone.*
4. *That the second party has agreed to pay first party a total amount of Rs. 3,00,000/- (Rupees three lakhs only) that the second party will pay Rs. 1,00,000/- (Rupees one lakh only) through DD. That the DD will be made on first party Mrs. Radha Tiwari's name and it will be handed over to the first party before the Mahila Ayog on 12/03/2021. That the remaining amount of Rs. 2,00,000/- (Rupees Two Lakhs Only) will be given to second party on 29/07/2021 and both party will proceed to court for divorce.*
5. *That it is agreed by and between the parties that the present settlement 02/03/2021 is full and final between them towards any right or any other claim whatsoever (past, present and future) arisen out/may arise of their marriage/wedlock.*
6. *That the Parties shall have no further financial claims against each other return and no other such claim shall be raised thereafter.*
7. *That the first party have further agreed not to file or initiate any other proceedings/action/claim before any authority/ court of law with respect to any claim against second party regarding any property or for a share in any property after the present settlement deed gets fully satisfied/complied.*
8. *That after today 02/03/2021, the first Party shall have no further financial claims against second party and no other such claim shall be raised thereafter.”*
9. The parties are present in court and have been duly identified by the IO. Respondent No. 2 states that she has already received the entire settlement amount.



10. 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.
11. 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 law, she has no objection if FIR No. 620/2021 under Section 498A/406/34 IPC and Section 3/4 Dowry Prohibition Act registered at PS DayalPur and all the other proceedings emanating therefrom are quashed.
12. 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.
13. In view of the above, FIR No. 620/2021 dated 22.12.2021 under Section 498A/406/34 IPC and Section 3/4 Dowry Prohibition Act



registered at PS Dayal Pur and all the other proceedings emanating therefrom are quashed.

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

DINESH KUMAR SHARMA, J

AUGUST 29, 2024/AR/KR..