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

+ **CRL.M.C. 6815/2024**

PAPPY SHARMA & ORS.

.....Petitioners

Through: Mr. Mahesh, Mr. Piyush Malik, Ms.
Chanchal Kaushik, Mr. Harish
Kaushik, Advs. with petitioners.

versus

THE STATE (NCT OF DELHI) & ANR.

....Respondents

Through: Ms. Kiran Bairwa, APP for State and
SI Shivam, PS New Ashok Nagar.
Mr. Mohd. Mohsin Raja, Ms. Pulkita
Nara, Advs. with R-2.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

30.08.2024

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CRL.M.A. 26030/2024

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

CRL.M.C. 6815/2024

3. The present petition has been filed under Section 528 BNSS seeking quashing of case FIR No. 407/2018 dated 06.08.2018 under Section 498A/406/34 IPC registered at PS New Ashok Nagar and and all the other proceedings emanating therefrom.
4. Learned Counsel for the petitioner submits that Respondent no.2/complainant married petitioner no.1 on 30.11.2014 in accordance with the Hindu Rites and Ceremonies. However, on account of temperamental differences and mental incompatibility, the parties started living separately since 2018 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 Memorandum of Understanding/settlement agreement dated 14.10.2022. Learned counsel further submits that the parties have been living together since last two years and a child is now born who is 9 months old now.
6. Parties are living together as per the Memorandum of Understanding/settlement agreement dated 14.10.2022 on following terms and conditions:

“1. That is prepared between the first party and the second party.

2. That the marriage of the above mentioned first party and the second party was solemnized on 30.11.2014 as per Hindu customs and there is no child from this marriage.

3. That due to some dispute and difference of opinion between the above mentioned first party and second party, both the parties were living separately since the year 2018 and their case is also pending in the court

4. That due to the mutual agreement between the above two parties, both the parties now' want to live together happily.

5. That the families of both the parties have no objection to the above two parties living together.”

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) 5SCC 226; Yashpal Chaudhrani and Others vs. State (Govt. of NCT Delhi) and Another, 2019 SCC OnLine Del 8179.**

8. 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 has no objection if FIR No. 407/2018 dated 06.08.2018 under Section 498A/406/34 IPC registered at PS New Ashok Nagar and all the other proceedings emanating therefrom are quashed.
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.
10. In view of the above, FIR No. 407/2018 dated 06.08.2018 under Section 498A/406/34 IPC registered at PS New Ashok Nagar and all the other proceedings emanating therefrom are quashed.
11. The present petition along with all the pending applications stand disposed of.

DINESH KUMAR SHARMA, J

AUGUST 30, 2024/AR/DG..