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

+ **W.P.(CRL) 2689/2024**

AMIT KUMAR & ORS.

.....Petitioners

Through: Mr. Vipin Gupta , Mr. Mohit Dhama,
Mr. Sourabh, Advs.(VC)

versus

THE STATE NCT OF DELHI AND ANR

.....Respondents

Through: Mr. Sanjay Lao, SC for the State with
SI Bharat Singh, PS Uttam Nagar.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

13.12.2024

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1. The present petition has been filed under Article 226 of the Constitution of India r/w Section 482 Cr.P.C. seeking quashing of case FIR No. 798/2021 dated 01.11.2021 under Section 498A/406/34 IPC registered at PS Uttam Nagar and all the other proceedings emanating therefrom.
2. Learned Counsel for the petitioner submits that Respondent no.2/complainant married petitioner no.1 on 12.03.2018 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.

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 09.07.2024.
4. Pursuant to the settlement, it is submitted by both parties that the marriage between them has already been dissolved on 09.07.2024 as per Hindu rites and ceremonies.
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. 798/2021 dated 01.11.2021 under Section 498A/406/34 IPC registered at PS Uttam Nagar and all the other proceedings emanating therefrom.
6. I have gone through the settlement deed dated 09.07.2024 which has been placed on record. The settlement agreement provides for the following terms and conditions:

NOW THIS DEED OF DIVORCE WITNESSETH AS UNDER:-

1. That henceforth both the parties to this deed shall have no connection with each other.
2. That on today with our own free WILL, consent, we seek to separate from each other and not interested to live with each other as husband-wife, because there is so many differences, disputes arise from the **5 Years**, which is continuously increasing day by day, and we are not in position to adjust with each other, and from the last more than **5 Years**, both are living separately.
3. That the second party has received all her belongings, dowry articles mentioned at below from the first party as settlement INDIA.
4. That second party received **Rs.55,000/- (Rupees Fifty Five Thousand Only)** from first party.



2 ANNEXURE-B

All articles

1. पिता की सोने की रिंग
2. माँ की सोने के टॉप्स
3. लड़के की सोने की रिंग
4. 2 3/4 सोने का लड़की
5. 2 सोने की रिंग लड़की
6. सोने का तिलक
7. एक जोड़ी सोने के लड़की के झुमके
8. सोने की ध्वनि लड़के की
9. घड़ी लड़के और लड़की
10. एक जोड़ी चांदी पायल
11. चांदी का सेट
12. एक जोड़ी चांदी की चुटकी
13. एक जोड़ी पायल और 3 जोड़ी चुटकी
14. 1 नारियल चांदी का
15. 1 चांदी का सिक्का 10 रुपया का
16. 1 चांदी का हाथ फूल
17. 1 राम नौमी चांदी का
18. 1 जोड़ी कड़े चांदी के
19. 1 गोछा चांदी का
20. एक जोड़ी जेठानी के पायल चांदी के
21. एक सन्दूक मोदरेज का
22. बर्तन
23. 2 कन्वल
24. 1 AC हिताची का 1.5 ton split
25. जूलर मिक्सर सेन्डर
26. मिश्रीवादे
27. आयरन
28. वाल घड़ी
29. 1 बाइक बुलेट क्लासिक 350 (DL10SV2279)
30. डबल डोर फ्रिज
31. ड्रेसिंग टेबल
32. 1 कलरा
33. करपेट
34. अलमारी

Cont....

3 ANNEXURE-B 35

5. That second party father's SH. RAJPAL will receive all the dowry articles from the first party elder brother MR. RAVI KUMAR.

6. That both the parties shall live separately and neither of the party shall file any complaint or case etc. against the other party.

7. That in future parties shall have no concern to each other in any manner, and if any of us want to make re-marriage with any other girl/boy, their legal heirs, nominees, shall have no concern with the same and shall not raise any objection.

8. That now everything is settled amicably between us and nobody will file any case in any manner against each other in any court of law, association or anywhere.

9. That in future second party will not take any legal action against first party and second party close the said FIR No.798/21 Case.

10. That both parties will seek divorcee from court within 6 Month due to mutual concern.

11. That the above statements are true and correct, and we have executed this agreement-cum-divorce with our sound mind and good health.

In witness whereof both the parties have signed on this separation deed on the, day, month and year first above mentioned and in the presence of following witnesses.

WITNESSES:-

1. FIRST PARTY/HUSBAND
2. SECOND PARTY/WIFE

19 JUL 2024
ATTESTED
NOTARY PUBLIC

This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.

The Order is downloaded from the DHC Server on 20/12/2024 at 13:00:05



7. The total settlement amount in terms of the settlement deed dated 09.07.2024 is Rs.55,000/-. Respondent No. 2 states that she has received the entire settlement amount.
8. 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.
9. 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. 798/2021 dated 01.11.2021 under Section 498A/406/34 IPC registered at PS Uttam Nagar and all the other proceedings emanating therefrom are quashed.
10. 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.

11. In view of the above, FIR No. 798/2021 dated 01.11.2021 under Section 498A/406/34 IPC registered at PS Uttam Nagar and all the other proceedings emanating therefrom are quashed.
12. The present petition along with all the pending applications stand disposed of.

DINESH KUMAR SHARMA, J

DECEMBER 13, 2024

Pallavi/HT