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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 7040/2024, CRL.M.A. 26893/2024**
VIKAS GOYAL AND OTHERSPetitioners
Through: Mr. Tarun Kumar Arora, Mr. Rahul
Tandon, Mr. Pankaj Chauhan, Advs.
with petitioners.

versus

THE STATE NCT OF DELHI AND ANR.Respondents
Through: Ms. Kiran Bairwa, APP for State and
SI Rajesh Kumar, PS Vijay Vihar.
Mr. Harsh Goyal, Ms. Jyoti Singh,
Advs. with R-2.

CORAM:
HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER
06.09.2024

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CRL.M.A. 26893/2024

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

CRL.M.C. 7040/2024

3. The Present petition has been filed under section 528 BNSS for quashing of FIR No. 370/2021 dated 28.07.2021 registered under Section 498A/406/34 IPC at PS Vijay Vihar and all the other proceedings emanating therefrom.
4. Learned Counsel for the petitioner submits that Respondent no.2/complainant married petitioner no.1 on 14.02.2019 in accordance with the Hindu Rites and Ceremonies and one girl child namely Divyanshi was born out of the said wedlock on 02.01.2020. 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 06.11.2023 before the Delhi Mediation Centre, Rohini Courts, Delhi.
6. Pursuant to the settlement, it is submitted by both parties that the marriage between them has already been dissolved on 13.05.2024 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. 370 registered under Section 498A/406/34 IPC at PS Vijay Vihar and all the other proceedings emanating therefrom.
8. I have gone through the settlement agreement dated 06.11.2023 which has been placed on record. The settlement agreement provides for the following terms and conditions:

“1) It is mutually settled between the parties that complainant/wife and accused/husband shall get dissolved their marriage by a decree of divorce by mutual consent without leveling allegations and counter-allegations against each other in accordance with law before the Court of competent jurisdiction at Delhi.

2) It is mutually agreed between the parties that accused /husband shall pay a total sum of Rs. 10,00,000/- (Rupees Ten Lakhs Only) towards full and final settlement of all



claims of complainant arising out of her marriage with accused husband, which shall include stridhan, permanent alimony, maintenance (past, present and future) and all other miscellaneous expenses.

3)The total settlement amount of Rs.10,00,000/- (Rupees Ten Lakhs Only) shall be paid by the accused/husband by way of Cash against receipt/DD to the complainant/wife as per following schedule-

i) A sum of Rs.3,00,000/- (Rupees Three Lakhs Only) shall be paid at the time of recording statement in First Motion Petition u/s 13B(1) H.M.A Act which shall be filed by the parties on or before 06.12.2023.

ii) The complainant/wife shall withdraw her execution petition pending before the court of Ms. Kanika Jain, Ld. MM/Mahila Court-01, North West, Rohini Courts, Delhi, after allowing the First Motion Petition.

iii) A sum of Rs.3,00,000/- (Rupees Three Lakhs Only) shall be paid at the time of recording statement in Second Motion Petition u/s 13B(2) H.M. Act which shall be filed within the stipulated period in accordance with law or by moving appropriate application for waiver of statutory period.

iv) Rs.4,00,000/- (Rupees Four Lakh only) shall be paid at the time of quashing of above mentioned FIR No.370/21, PS- Vijay Vihar, Under Section 498-A/406/34 IPC, which shall be filed by the accused Vikas within one month of decree of divorce. The accused Vikas shall approach before Hon'ble High Court for quashing of the said FIR, subject to discretion of the Hon'ble High Court. Complainant/wife shall cooperate by giving her affidavit/statement for quashing of the said FIR against accused i.e. 1) Vikas (husband), (2) Shri Bhagwan (Father-in-law), (3) Smt. Sulochna (mother-in-law), (4) Shri Chirag Goyal (brother-in-law) & (5) Ms. Pooja (sister-in-law).

(4) It is agreed between the parties that out of the total



settlement amount, an amount of Rs.4,00,000 (Rupees Four Lakhs Only) shall be kept as an FDR in the name of minor daughter under the guardianship of her mother till the minor daughter attains the age of her majority i.e. of 18 years

(5) The complainant/wife shall withdraw her DV Case vide Petition No.2901/21, pending before the court of Ms. Kanika Jain, Ld. MM/Mahila Court-01, North West, Rohini Courts, Delhi, after allowing the Second Motion Petition.

(6) The accused/husband shall withdraw his appeal above mentioned connected appeal after decree of divorce.

(7) The permanent custody of the minor daughter shall remain with the complainant/wife with no visitation rights to the accused/respondent.

8) Both the parties also undertake not to interfere in the life of each other in future. In case any of the party does not comply with the terms of the present settlement, shall be liable to face the legal consequences as per law.

9) That both the parties shall be bind themselves as per the terms of this settlement/agreement and shall act in latter and spirit. In case of default by wife/complainant, she shall return the amount received from the husband/petitioner along with interest @2% per month and in case of default by husband/petitioner the amount already given by him to the complainant/wife shall be forfeited and all the cases shall be decided as per law. Both the parties shall be entitled to take any legal action against the defaulter party.

10) After compliance of the terms of the present settlement, there shall remain no case/claim/dispute due between the parties after compliance of the terms of the present settlement and that none of the parties shall file any civil or criminal proceedings against each other in future qua the same cause of action and that if any other case/petition/complaint etc. between the parties is pending



in any Court or Authority either against the parties or against their respective family members and whether it is in the knowledge of other party or not, the same shall be withdrawn/got disposed of by the respective party.

(11) The parties have entered into the present settlement/agreement out of their own free will and consent, without any fear, coercion or undue influence from any corner, whatsoever. The parties shall be bound by this settlement and shall co-operate to execute this settlement in every possible manner, whatsoever.”

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 that she has already received the entire settlement amount. Furthermore, she states that since the marriage between the parties has also been dissolved as per law, she has no objection if FIR No. 370/2021 dated 28.07.2021



registered under Section 498A/406/34 IPC at PS Vijay Vihar 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. 370/2021 dated 28.07.2021 registered under Section 498A/406/34 IPC at PS Vijay Vihar and all the other proceedings emanating therefrom are quashed. However, this shall not have any bearing upon the legal rights, title, and interest of the child namely Divyanshi born on 02.01.2020, in any manner. Child namely Divyanshi born on 02.01.2020 shall be at liberty to pursue her legal rights in accordance with law.
13. The present petition along with all the pending applications stand disposed of.

DINESH KUMAR SHARMA, J

SEPTEMBER 6, 2024/AR/KR..