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

+ **CRL.M.C. 7110/2024**

UMESH KUMAR & ORS.

.....Petitioners

Through: Ms. Ananya Marwah, Mr. Archit
Pandey, Advs. with petitioners.

versus

THE STATE NCT OF DELHI AND ANR.

.....Respondents

Through: Ms. Kiran Bairwa, APP for the State
with ASI N. M. Pal, SI Yash Pal, PS
Farsh Bazar
Ms. Geeta Devi/R-2 in person.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

11.09.2024

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1. The present petition has been filed under Section 482 Cr. PC seeking quashing of FIR No. 0655/2021 registered at PS Farsh Bazar under Sections 498A/406/34 IPC.
2. Learned Counsel for the petitioner submits that Respondent no.2/complainant married petitioner no.1 on 17.02.2024 in accordance with the Hindu Rites and Ceremonies and no child is 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 dated 31.08.2024.

4. Furthermore, the Learned Counsel for the petitioners submits that since the parties have resolved all their differences amicably and are both living together, therefore, it would be in the interest of justice to quash FIR No. 0655/2021 registered at PS Farsh Bazar under Sections 498A/406/34 IPC and all the other proceedings emanating therefrom.
5. I have gone through the settlement deed arrived on 31.08.2024 which has been placed on record. The settlement agreement provides for the following terms and conditions:

“1.It is agreed between the parties that both the parties are desirous of living together with their own free will and consent and without any undue influence

2. That both the parties shall reside at House No. 21. Gali No.- 2, Ambedkar Colony. Shahdara, Delhi.

3. That both the parties shall not resort to any fights, arguments, verbal abusive language or/and physical violence with each other, and shall try to maintain peace and harmony in their matrimonial life.

4. That the parties have settled all the disputes amicably between them. The First party has agreed to give her statement in Hon'ble High Court of Delhi for Quashing of FIR no. 0655/2021 and FIR No. 0504/2021 at PS Farsh Bazar against the second party and his family. members.

5. That the parties undertake to appear before the Hon'ble Delhi High Court for quashing of FIR no. 0655/2021 and FIR No. 0504/2021 at Police Station Farsh Bazar and making their statement before Hon'ble Delhi High Court for the quashing of FIR against the husband and his family members as well, namely Laxmi Devi (mother-in-law). Sunita Ompal, Anita, Bodh Prakash.

6. That both the parties undertake to sign all the petition,



application, affidavit for Quashing of FIR no. 0655/2021 and FIR No. 0504/2021 at Police Station. Farsh Bazar.

7. That both the parties shall undertake and abide by the terms and conditions of the settlement.

8. That the parties shall not challenge the validity and legality of this settlement before any court of law, authority and police authority or any other authority established under the law.

9. That both the parties further undertake to live their life peacefully and respectfully as husband and wife as the present compromise is for the betterment of future of both parties.

10. That the wife out of her free will and consent has settled all the disputes, grievances, and differences with the husband.

11. That the parties undertake that they shall not cause any kind of variation and addition in the terms and condition of the settlement Deed at any point of time.

12. It is settled that after compliance of the terms of the present settlement, there shall remain no dispute due between the parties and that if any other case/petition/complaint etc between the parties is pending in any Court or Authority; the same shall be withdrawn/got disposed of by the respective party.

13. The parties here to undertake that they shall be bound by the above said terms and conditions In case any of the above said parties does not abide by the terms and conditions of this settlement. the other party shall be at liberty to take action as per law

14. That the contents of this settlement have been explained to the parties in vernacular and they have understood the same. The parties here to undertake that they have signed the above settlement after going through and understanding the contents of the same and they have settled the dispute as per the terms herein above mentioned between themselves of their own free will and consent without any force, pressure or coercion from any side.



15. Copy of this settlement is given to both the parties.”

6. 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.***
7. 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 and as both the parties, petitioner and respondent no. 2 are residing peacefully together, she has no problem if FIR No. 0655/2021 registered at PS Farsh Bazar under Sections 498A/406/34 IPC.
8. 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.



9. In view of the above, FIR No. 0655/2021 registered at PS Farsh Bazar under Sections 498A/406/34 IPC and all the other proceedings emanating therefrom are quashed.
10. The present petition along with all the pending applications stand disposed of.

DINESH KUMAR SHARMA, J

SEPTEMBER 11, 2024

Pallavi/NA