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

+ **CRL.M.C. 7143/2024**

BALLI CHANDILA @TINKU & ORS.

.....Petitioners

Through: Ms.Perna Singh and Ms.Priyanka
Singh, Advts. with petitioners in
person.

versus

STATE OF NCT OF DELHI AND ANR.

.....Respondents

Through: Ms.Kiran Bairwa, APP for the State
SI Vijay Chaudhary, PS Sonia Vihar
Respondent no.2 in person.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

10.09.2024

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CRL.M.A. 27272/2024 (exemption)

Exemption is allowed, subject to all just exceptions.

The application stands disposed of.

CRL.M.C. 7143/2024

1. The Present petition has been filed under section 482 Cr.P.C for quashing of F.I.R bearing No.316/2016, dated 02.09.2016, registered under section 498-A/406 of Indian Penal Code, Police Station Sonia Vihar, Delhi and all the other proceedings emanating therefrom.
2. Learned Counsel for the petitioner submits that Respondent no.2/complainant married petitioner no.1 on 25.11.2013 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 since 08.11.2014 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/ MoU dated 28.02.2022.
4. Pursuant to the settlement, it is submitted by both parties that the marriage between them has already been dissolved vide decree of divorce dated 02.01.2024 passed by Judge of Family Court-01, North East District, Karkardooma.
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 F.I.R bearing No.316/2016, dated 02.09.2016, registered under section 498-A/406 of Indian Penal Code, Police Station Sonia Vihar, Delhi, and all the other proceedings emanating therefrom.
6. I have gone through the settlement/MOU dated 28.02.2022 which has been placed on record. The settlement agreement provides for the following terms and conditions:

- 1. It has been agreed that both the parties shall end their marriage by a decree of divorce on mutual consent.*
- 2. That the first party has settled all her dispute with the second party regarding her whole istridhan, household articles, valuables and past, present and future maintenance and permanent alimony for herself without financial exchange.*
- 3. That it has also agreed by the parties after dissolution of marriage, both the parties shall have no rights or claim in the*



property of each other.

4. That it has also been agreed and acknowledged by the parties that both shall cooperate to dissolve their marriage by mutual consent and take necessary steps to dissolve their marriage as per the provisions of Hindu Marriage Act in the competent court of law.

5. That the second party and his family members will file quashing petition before Hon'ble High Court of Delhi to get quashed the above mentioned FIR bearing No.316/2016, U/s 498-A/406/354/34 IPC, P.S. Sonia Vihar, Delhi and the first party shall cooperate them in, quashing petition. Said petition shall be filed after recording the statement of second motion divorce petition.

6. That it has also agreed and acknowledged by the parties that after the dissolution of marriage by the competent court of law, none of the parties shall have any claim or right to interfere in life of each other.

7. That it has also agreed, and acknowledged by the parties that after dissolution of marriage any of the parties may re- solemnize his/her marriage as per his/her choice.

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) 5 SCC 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 dated



28.02.2022, 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 vide decree of divorce dated 02.01.2024 passed by Judge of Family Court-01, North East District, Karkardooma, she has no objection if F.I.R bearing No.316/2016, dated 02.09.2016, registered under section 498-A/406 of Indian Penal Code, Police Station Sonia Vihar, Delhi, 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, F.I.R bearing No.316/2016, dated 02.09.2016, registered under section 498-A/406 of Indian Penal Code, Police Station Sonia Vihar, Delhi, and all the other proceedings emanating therefrom.
11. The present petition stands disposed of.

DINESH KUMAR SHARMA, J

SEPTEMBER 10, 2024
rb/na.