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

+ **CRL.M.C. 7498/2024, CRL.M.A. 28591/2024**

NITIN & ORS.

.....Petitioners

Through: Mr. Vijay Yadav, Adv with
petitioners.

versus

STATE NCT OF DELHI & ANR.

.....Respondents

Through: Ms. Kiran Bairwa, APP for the State
with SI Prashant PS South Rohini
Mr. Nadeem Quashi, Mr. Sikandar
Qureshi, Ms. Renu Choudhary, Adv.
for R-2 with R-2 in person.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

23.09.2024

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1. The Present petition has been filed under section 482 Cr.P.C for quashing of FIR No. 347/2022 registered under Section 498A/406/34 IPC at PS South Rohini and all the other proceedings emanating therefrom.
2. Learned Counsel for the petitioner submits that Respondent no.2/complainant married petitioner no.1 on 18.01.2019 in accordance with the Delhi 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 30.05.2021 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 04.03.2024 arrived at Delhi Mediation Centre, Rohini District.

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 06.06.2024 in HMA No.1504/2024 passed by learned Principal Judge, Family Court, Room No.4, Ground Floor, North West, Rohini Courts, Delhi.
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. 347/2022 registered under Section 498A/406/34 IPC at PS South Rohini and all the other proceedings emanating therefrom.
6. I have gone through the settlement deed dated 04.03.2024 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 respondent/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 respondent /husband shall pay a total sum of Rs.8,50,000/- (Rupees Eight Lakhs & Fifty Thousand 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.8,50,000/- (Rupees Eight Lakhs & Fifty Thousand Only) shall be paid by the accused no.1/husband by way of cash against receipt or DD/NEFT/RTGS or any other electronic mode to the complainant/wife as per following schedule:-

i) A sum of Rs. 3,00,000/- (Rupees three Lakhs Only) shall be paid to the wife 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 28.03.2024.

ii) 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.

iii) The Accused No.1/husband shall pay remaining amount of Rs.2,50,000 (Rupees Two Lakhs Fifty Thousand only) at the time of quashing of the FIR No.347/2022, PS South Rohini, u/s. 498A/406/34 IPC, The Accused No.1/husband shall approach before Hon'ble High Court for quashing of the said FIR, subject to discretion of the Hon'ble High Court. The same, shall be filed within three months after decree of divorce. Complainant/wife shall cooperate by giving her no objection affidavit/statement for quashing of the said FIR against accused persons i.e. (1) Nitin Kadam (husband) & (2) Rajni (Mother-in-law/saas) & (3) Varun (brother-in-law/devar).

iv) It is agreed between both parties that after recording of the statement of the parties in the 1 Motion Petition, the complainant/wife shall withdraw the connected Execution as mentioned above from the concerned Court...

4) 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.



5) If either of the parties backs out from the present settlement, the defaulted party shall be liable for facing contempt as per judgment of Hon'ble High Court of Delhi titled as 'Rajat Gupta and other Vs. Rupali Gupta and others' CAS(C) 772/2013 dated 15.05.2018.

6) That both the parties shall be bind themselves as per the terms of this settlement/agreement and shall act in latter and spirit.

7) 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.

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.

7. The total settlement amount in terms of settlement deed dated 04.03.2024 is Rs. 8,50,000/-. Today, as per settlement, a demand draft bearing DD No. 033584 dated 21.09.2024 drawn on Canara Bank of Rs. 2,00,000/- (Rupees Two Lakhs) in the name of Nisha is handed over to the respondent No.2 in the Court. Today, Rs.50,000/- via UPI has also received by the respondent No.2.



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 vide decree of divorce dated 06.06.2024 in HMA No.1504/2024 passed by learned Principal Judge, Family Court, Room No.4, Ground Floor, North West, Rohini Courts, Delhi, she has no objection if FIR No. 347/2022 registered under Section 498A/406/34 IPC at PS South Rohini 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. 347/2022 registered under Section 498A/406/34 IPC at PS South Rohini 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

SEPTEMBER 23, 2024

Pallavi/ht