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

+ **CRL.M.C. 7574/2024**

JOGINDRA SINGH & ORS.

.....Petitioners

Through: Mr. Jeewan Chandra, Mr. Rabindra
Nanda, Advs. with petitioners.

versus

STATE OF NCT OF DELHI AND ANR.

.....Respondents

Through: Ms. Kiran Bairwa, APP for State and
Insp. Satbir Singh, PS Jaitpur.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

26.11.2024

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1. The present petition has been filed under Section 528 BNSS seeking quashing of case FIR No. 447/2023 under Section 498A/406/34 IPC registered at PSJaitpur, New Delhi and all other proceedings emanating therefrom.
2. Learned Counsel for the petitioner submits that the marriage between the petitioner and the respondent no.2 was solemnized on 23.06.2018 in accordance with the Hindu Rites and Ceremonies and one daughter namely Drishti 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 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 22.08.2024 before the Court of learned Principal Judge, Family Courts, Saket Courts, Delhi.

4. Pursuant to the settlement dated 22.08.2024 recorded at Delhi Mediation Centre, Saket Courts, New Delhi, it is submitted by both parties that they are living together.
5. Furthermore, the Learned Counsel for the petitioner submits that since the parties have resolved all their differences amicably, therefore, it would be in the interest of justice to quash FIR No. 447/2023 under Section 498A/406/34 IPC registered at PS Jaitpur, New Delhi and all the other proceedings emanating therefrom.
6. I have gone through the settlement deed dated 22.08.2024 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 have decided to live together happily at B-54, Ganga, Puram, Ghaziabad, UP and the Respondent, promised that he will not evict the Petitioner from the matrimonial house ever.

2. That it is agreed that both the parties will jointly file quashing of F.I.R No. 0447/2023 U/S 498(A), 406, 34 IPC PS Jaitpur pending in PS- Jaitpur, New Delhi titled as State vs. Joginder and Ors before Hon'ble High Court of Delhi within two months after recording of the settlement.

3. It is also agreed between the parties that pursuant to the settlement reached between the parties, all the matters/cases/complaints (civil/criminal), which are pending between the parties before any



Court/Authorities/Forum shall be withdrawn post signing of this settlement on or before next, date of hearing.

4 It is also agreed between the parties that First party alongwith her female child namely Drishti will accompany second party today i.e. 22.08.2024 to her matrimonial House and both the parties will reside there together.”

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) 5SCC 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 voluntarily without any fear, force, or coercion and is further submitted by the respondent no. 2 that she has no objection if the FIR in question is 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, FIR No. 447/2023 under Section 498A/406/34 IPC registered at PS Jaitpur, New Delhi and all the other proceedings emanating therefrom are quashed.
11. The present petition along with all the pending applications stand disposed of.

DINESH KUMAR SHARMA, J

NOVEMBER 26, 2024/AR/NA..