



\$~20

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

+ CRL.M.C. 1836/2024, CRL.M.A. 7000/2024

ARIF & ORS.

.....Petitioners

Through: Mr. Nakul Sharma, Adv.

versus

STATE OF NCT OF DELHI AND ANR

.....Respondents

Through: Ms. Kiran Bairwa, APP for State with
SI Priyanta, PS Jahangir Puri

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER
22.10.2024

%

1. The Present petition has been filed under section 482 Cr.P.C for quashing of FIR 969/2014 registered under Section 498A/406/34 IPC at PS Jahangir Puri and all the other proceedings emanating therefrom.
2. Learned Counsel for the petitioner submits that Respondent no.2/complainant married petitioner no.1 on 14.12.2013 in accordance with the Muslim 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 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 08.12.2015 arrived at Delhi Mediation Centre, Rohini Courts, Delhi.
4. 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 969/2014 registered under Section 498A/406/34 IPC at PS Jahangir Puri and all the other proceedings emanating therefrom.
5. I have gone through the settlement 08.12.2015 arrived at Delhi Mediation Centre, Rohini District Courts, Delhi which has been placed on record. The settlement agreement provides for the following terms and conditions:

1.The defendant/husband shall pay a total amount of Rs.4,50,000/-(Rupees Four Lac fifty Thousand Only) to the plaintiff/ wife, as full and final settlement of all her claims arising out of the marriage with defendant, which shall include istridhan, permanent alimony, maintenance (past, present and future) and all other miscellaneous expenses. The settlement amount has been paid today i.e.08.12.2015 at Mediation Centre by the defendant/husband to the plaintiff /Wife against proper receipt, the same is annexed as Annexure along with this settlement. 'A'

2) It is mutually settled between the parties that complainant and respondent shall dissolve their marriage by TALAKNAMA according to the Muslim law which will be prepared by the parties jointly and get the TALAQ according to their Muslim law by 21.12.2015. a

3) Both THE parties also undertake not to interfere in the



life of each other in future.

4) The present case shall be withdrawn by the plaintiff/wife on the Ld. Referral Court. 21.12.2015 from

(5) The connected matters mentioned as serial No.1 & 3 shall be withdrawn by the plaintiff from the respective Court concerned by 21.12.2015.

6) The parties petition for shall jointly quashing of move the a FIR No.969/14, PS Jahangir Puri, U/s 498- A/1063 IPC titled as 'State Vs. Arif, to the Hon'ble Delhi Court, within 60 days after getting the Talak. The complainant undertakes to cooperate in the quashing proceedings.

7) Now there remains 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 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 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.

6. Both parties are present in court and have duly been identified by the IO. Respondent No. 2 states that she has received the entire settlement amount. Respondent No. 2 further 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, she has no objection if FIR 969/2014 registered under Section 498A/406/34 IPC at PS Jahangir Puri and all the other proceedings emanating therefrom are quashed.

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. 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 969/2014 registered under Section 498A/406/34 IPC at PS Jahangir Puri 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

OCTOBER 22, 2024

Pallavi/KR