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

+ CRL.M.C. 7955/2024

KAJAL JHA & ORS.

.....Petitioners

Through: Mr. Harshit Aggarwal, Mr. Muskan
Gupta, Advs. with petitioners.

versus

STATE GOVT. OF NCT OF DEHIL AND ANR.Respondents

Through: Mr. Mukesh Kumar, APP for State
and SI Dhyanendra, PS Dabri.
R-2 in person.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

% **08.10.2024**

CRL.M.A. 30367/2024

1. Exemption allowed, subject to all just exceptions.
2. Application stands disposed of.

CRL.M.C. 7955/2024

3. The present petition has been filed under Section 528 BNSS seeking quashing of case FIR No. 551/2021 dated 19.07.2021 under Sections 323/341/427/452/34 IPC registered at PS Dabri, Delhi and the proceedings emanating therefrom.
4. Learned Counsel for the petitioner submits that Respondent no.2/complainant married petitioner no.1 on 07.07.2021 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 and instituted multiple litigations against each other and their respective families including the present FIR.

5. 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 Memorandum of Understanding/settlement agreement dated 08.04.2024.
6. 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. 551/2021 dated 19.07.2021 under Section 323/341/427/452/34 IPC registered at PS Dabri, Delhi and all the other proceedings emanating therefrom.
7. I have gone through the Memorandum of Understanding/settlement agreement dated 08.04.2024 which has been placed on record. The Memorandum of Understanding/settlement agreement provides for the following terms and conditions:

“1. That it is agreed between the parties that the first party will cooperate in quashing of FIR bearing no. 551/2021 P.S. Dabri. And also give no objection certificate and necessary statement whenever required before the Hon’ble High Court of Delhi in pursuance to aforesaid FIR.

2. It is also agreed between the parties that the second party will bear the cost of quashing of aforesaid FIR.

3. It is also agreed between the parties that both of the parties and their family members will never interfere in between each other's personal life.

4. That this settlement has been voluntarily reached between the parties on their own free will and without force,



pressure or coercion and both the parties are bound by the terms and conditions herein above.”

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 he has entered the settlement voluntarily without any fear, force, or coercion. He submits that other petitions have already been withdrawn or dismissed. Furthermore, he has no objection if FIR No. 551/2021 dated 19.07.2021 under Section 323/341/427/452/34 IPC registered at PS Dabri, Delhi 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. 551/2021 dated 19.07.2021 under



Section 323/341/427/452/34 IPC registered at PS Dabri, Delhi and all the other proceedings emanating therefrom are quashed.

12. The present petition along with all the pending applications stand disposed of.

OCTOBER 8, 2024/AR/KR..

DINESH KUMAR SHARMA, J