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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 8029/2024**

YOGESH KUMAR AND ORS

.....Petitioners

Through: Mr.Abhay N.Das and Mr.B.P. Bharti,
Advocates

versus

STATE GOVT. OF NCT OF DELHI

.....Respondent

Through: Ms.Kiran Bairwa, APP for the State
alongwith SI Neeraj, P.S.-Subzi
Mandi
Mr.Hitesh Kumar and Mr.Vikas Das,
Advocates for complainant

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

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10.12.2024

CRL.M.A. 30683/2024 (Exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

CRL.M.C. 8029/2024

1. The present petition under Section 528 the Bharatiya Nagarik Suraksha Sanhita, 2023 read with Section 482 of the Code of Criminal Procedure, 1973 has been filed on behalf of the petitioners praying for quashing of FIR bearing No. 404/2020 registered at Police Station Sabzi Mandi, Delhi, for offences punishable under Sections 498A/406/34 of the Indian Penal Code, 1860 and all consequential proceedings emanating therefrom.
2. Learned Counsel for the petitioners submits that the marriage between



the petitioner and the respondent no.2 was solemnized on 27.04.2019 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 16.12.2019 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 and the joint statement is recorded in the Second Motion of divorce in HMA No. 1499/2023.
4. Pursuant to the settlement, it is submitted by both parties that the marriage between them has already been dissolved as per Hindu rites and ceremonies on 13.10.2023. Respondent No.2 also states that the divorce as already been taken place as per Hindu rites and ceremonies.
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 bearing No. 404/2020 registered at Police Station Sabzi Mandi, Delhi, for offences punishable under Sections 498A/406/34 IPC and all the other proceedings emanating therefrom.
6. I have gone through the settlement as mentioned in the Second Motion of divorce in HMA No. 1499/2023, which has been placed on record. The settlement agreement provides for the following terms and conditions:



“...4. As per settlement, petitioner no. will pay a total amount of Rs.5,50,000/- to the petitioner no. 2 in four installments towards full and final settlement and permanent alimony, maintenance (past, present and future). First and Second installments have already been paid. Third installment of Rs.2,00,000/- is paid (Rs.40,000 in cash and Rs.1,60,000/deposited in the bank account of petitioner no. 2, instead of Demand Draft). Deposit slip and account statement are exhibited as Ex.P-8. Remaining amount of Rs. 2,00,000/- will be paid as per the settlement.

5. Both of us undertake not to file any case/ complaint against each other/respective family members at any point of time in future with regard to this marriage.

6. We both undertake to abide by the terms and conditions as mentioned in the present petition and settlement deed, contents of which have been explained to us by Court and our Counsels. With this, no claims/disputes of any kind whatsoever are left between both of us against each other.

7. The above settlement has not been obtained by any threat, force, fraud or pressure, undue influence, coercion etc. We pray that our petition may be allowe”

7. The total settlement amount in terms of settlement deed dated 04.05.2023 is Rs. 5,50,000/-. 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 the parties are present in Court and have duly been identified by the Investigation Officer. Respondent No. 2 submits that she has entered the settlement voluntarily without any fear, force, or coercion. And since the marriage between the parties has also been dissolved as per Hindu Rites, she has no objection if FIR bearing No. 404/2020 registered at Police Station Sabzi Mandi, Delhi, for offences punishable under Sections 498A/406/34 IPC 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 bearing No. 404/2020 registered at Police Station Sabzi Mandi, Delhi, for offences punishable under Sections 498A/406/34 IPC and all the other proceedings emanating therefrom are quashed.
12. The present petition stands disposed of.

DINESH KUMAR SHARMA, J

DECEMBER 10, 2024/Pp/ht