



\$~55

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

+ **CRL.M.C. 8068/2024**

SANDEEP KUMAR AND ORS

.....Petitioners

Through: Mr. Satish Chand, Ms. Aarti, Advs.
with petitioners.

versus

STATE GOVT. OF NCT OF DELHI AND NAR.Respondents

Through: Ms. Kiran Bairwa, APP for State and
ASI Harswaroop, PS Burari.
R-2 in person.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

%

14.10.2024

CRL.M.A. 30834/2024

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

CRL.M.C. 8068/2024

3. The Present petition has been filed under section 482 Cr.P.C. r/w Section 528 BNSS for quashing of FIR No. 771/2022 dated 02.10.2022 registered under Section 498A/406/34 IPC at PS Burari and all the other proceedings emanating therefrom.
4. Learned Counsel for the petitioner submits that Respondent no.2/complainant married petitioner no.1 on 30.11.2012 in accordance with the Hindu Rites and Ceremonies and one male child namely Rakshit @ Rudra (DOB: 02.04.2014) 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 settlement agreement recorded by Ld. MM-03 (Mahila Court), Central, Delhi vide order dated 21.11.2023.
6. Pursuant to the settlement, it is submitted by both parties that the marriage between them has already been dissolved on 04.06.2024 as per law.
7. 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. 771/2022 dated 02.10.2022 registered under Section 498A/406/34 IPC at PS Burari and all the other proceedings emanating therefrom.
8. I have gone through the settlement recorded vide order dated 21.11.2023 which has been placed on record. The settlement recorded vide order dated 21.11.2023 provides for the following terms and conditions:

“1 An amount of Rs.3 Lacs will be paid at the time on the recording of first motion statement. The first motion will be filed within one month from today

2. An amount of Rs. 3 Lacs will be paid at the time of recording of second motion.



3. *The remaining amount of Rs.3 Lacs shall be paid at the time of quashing petition. This is towards full and final settlement between the parties for past and future alimony etc. quashing petition will be filed within one month from the date of completion of divorce proceedings.*
4. *The other cases filed by both the sides will be withdrawn after the first installment.*
5. *The expenses of filing the documents and proceedings in quashing and divorce petitioner will be borne by the accused persons.”*
9. As per settlement demand draft bearing No. 660819 dated 24.09.2024 amounting Rs. 3,00,000/- (Rupees Three Lakhs only) in the name of Monika drawn from Indian Bank has been handed over to respondent No.2 in the Court. Respondent No. 2 states that she has received the entire settlement amount.
10. 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.
11. 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 as per law, she has no objection if FIR No. 771/2022 dated 02.10.2022 registered under Section 498A/406/34 IPC at PS Burari and all the other proceedings emanating therefrom are quashed.

12. 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.
13. In view of the above, FIR No. 771/2022 dated 02.10.2022 registered under Section 498A/406/34 IPC at PS Burari and all the other proceedings emanating therefrom are quashed. However, this shall not bind the legal rights, title, and interest of the child namely Rakshit @ Rudra (DOB: 02.04.2014), in any manner. Child namely Rakshit @ Rudra (DOB: 02.04.2014) shall be at liberty to pursue his legal rights in accordance with law.
14. The present petition along with all the pending applications stand disposed of.

DINESH KUMAR SHARMA, J

OCTOBER 14, 2024/AR/NA..