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

+ **CRL.M.C. 8097/2024**

BILAL AHMED & ORS.Petitioners

Through: Mr.Sunil Kumar, Adv. with
petitioners in person.
Petitioner no.3 (through VC)

versus

STATE NCT OF DELHI & ANR.Respondents

Through: Ms.Kiran Bairwa, APP for the State
SI Chinki Yadav and ASI Girdhari
Lal, PS Bharat Nagar
Mr.Zakir Raza, Adv. for R-2.
R-2 in person.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

06.11.2024

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1. Present petition has been filed for quashing of case FIR No.439/2022 dated 13.06.2022 registered under Section 498A/406/34 IPC at PS Bharat Nagar and all the other proceedings emanating therefrom on the basis of settlement.
2. Learned Counsel for the petitioner submits that Respondent no.2/complainant married petitioner no.1 on 20.11.2020 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. Furthermore, learned counsels for the parties submit that the parties are divorced by mutual consent vide divorce deed dated 15.05.2024 and additionally all disputes between the parties were settled on the following terms and conditions:

- 1. It was agreed between the parties that the husband shall pay Rs.4,00,000/- (Four lakh only) to his wife as full and final settlement of all her claims such as maintenance (past,present, & future), istridhan dowry articles, mehar, iddat,etc,*
- 2. It was agreed between the parties that after the receiving the abovesaid entire settled amount by the wife from the first party, both the parties shall not file any case complaint litigation and claim each other and their family members in future pertaining to the present marriage.*
- 3. That as per the terms and conditions of mutually MOU 14/06/2023 executed between first party and second party, the mutual agreement for divorce has been executed today.*
- 4. That both the parties undertake that they will abide by and be bound by the agreed terms/stipulations of the settlement agreement. It is further submitted that Rs. 4,00,000/- Lakhs of settled amount shall be paid by first party to second party at the time of quashing of FIR no 439/2022 PS. Bharat Nagar u/s 498A/406/34 IPC, the second party shall cooperate before the Hon'ble High" Court of Delhi and also will sign no objection affidavit at the time of filing the quashing petition before Hon'ble high Court of Delhi.*
- 5. That both the parties have already been withdrawn their cases which were pending against each other from the respective court of law.*
- 6. It was agreed between the parties that after the abovesaid entire settled amount by the wife from the first party, both the parties shall not file any case complaint, litigation and claim each other and their family members in future pertaining to the present marriage.*

4. 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 also submits that she has received the entire amount as per the settlement. She further states that since the marriage between the parties has also been dissolved by a decree of divorce by mutual consent judgment dated 15.05.2024, she has no objection if FIR No.439/2022 dated 13.06.2022 registered under Section 498A/406/34 IPC at PS Bharat Nagar and all the proceedings emanating therefrom are quashed.

5. 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.
6. 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. IO has identified the parties.
7. In view of the above, FIR No.439/2022 dated 13.06.2022 registered under Section 498A/406/34 IPC at PS Bharat Nagar and all the other



proceedings emanating therefrom are quashed.

8. The present petition stands disposed of.

DINESH KUMAR SHARMA, J

NOVEMBER 6, 2024

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