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

+ **CRL.M.C. 8462/2024**

DEEPAK KUMAR & ORS.

.....Petitioners

Through: Mr. Sumit Kumar and Mr. Rahul
Mehra, Advocates.

versus

STATE NCT OF DELHI & ANR.

.....Respondents

Through: Ms. Kiran Bairwa, APP for State
along with SI Shweta P.S. BHD
Nagar and W/ASI Sunita P.S. Uttam
Nagar.
Mr. S. Kumar, Advocate for R-2.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

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24.10.2024

CRL.M.A. 32278/2024 (Exemption)

Exemption allowed, subject to all just exceptions.

Applications stand disposed of.

CRL.M.C. 8462/2024

1. The present petition has been filed under Section 528 BNSS r/w 482 Cr.P.C. seeking quashing of FIR No. 590/2022 registered at Police Station Baba Haridas Nagar, Delhi under Sections 498A/406/34 IPC and all the proceedings emanating therefrom.
2. Brief facts of the case that Respondent no. 2 married the petitioner no. 1 on 16.02.2020 according to Hindu rites and ceremonies. No child was born out of the said wedlock. However, due to temperamental



differences and mental incompatibility, disputes arose and parties started living separately since August 2020, and the present FIR was also registered.

3. It has been stated that during the pendency of the proceedings, the dispute was settled between the parties before the Mediation Centre Dwarka Courts vide settlement deed dated 09.10.2023 on following terms and conditions;

“...6. The complainant/wife and the respondent no.1/husband shall seek divorce by mutual consent.

7. The respondent/husband shall pay a sum of Rs. 7,00,000/- (Rupees seven lakhs only) and handover the articles as per Annexure A (attached with this settlement) to the complainant/wife towards full and final settlement of all her claims regarding permanent alimony, stridhan and maintenance (past, present and future) in three installments by way of DD as under

(i) First installment of Rs.3,00,000/- (Rupees three lacs only) shall be paid by the respondent/husband to the complainant/wife by way of DD at the time of recording the statement of the first motion petition u/s.13-B(1) of HMA, which shall be jointly filed by them within 30 days from today.

(ii) The articles as per annexure A shall be handed over by the respondent/husband to the complainant/wife at the time of signing the first motion petition u/s.13-B(1) of HMA.

(iii) Second installment of Rs.2,00,000/- (Rupees two lacs only) shall be paid by the respondent/husband to the complainant/wife by way of DD at the time of recording the statement of the Second motion petition. Both the parties shall move second motion petition for divorce u/s 13 B (2) of HMA, within two months of the expiry of the statutory period or any time sooner as per law.

(iv) The respondents accused persons namely Sh. Deepak Kumar Singh, Smt. Sunena Singh Asha Devi and Sh. Bachcha Singh shall move appropriate petition for quashing of FIR



No. 590/2022, PS Baba Handas Nagar u/s 406/498A/34 IPC titled as State Vs. Deepak Kumar Singh & Ors, before the Hon'ble High Court of Delhi which shall be filed within 30 days from the date of allowing the second motion petition. The complainant/wife undertakes to appear before the Hon'ble High Court of Delhi and cooperate in the said proceedings including signing of affidavit/NOC. Respondent no.1/husband shall pay the balance amount of Rs.2,00,000/- (Rs. Two lacs only) to the complainant/wife at the time of recording the statement of complainant/ wife before Hon'ble Court for quashing of the said FIR.

C. It has been apprised in the parties that the quashing of the above mentioned case FIR shall be In terms of the guidelines issued by the Hon'ble High Court of Delhi in CrI.M.C 5720/2023 in case titled in case as Abhishek@ Love & ors. Vs The State NCT of Delhi & Ors.

D. In case the respondent/husband does not turn up for the second motion, the amount already paid by the respondent/husband during first motion shall be forfeited by the complainant/wife

E. In case the complainant/wife does not turn up for the second motion she shall be liable to return the double amount received by her from the respondent/husband during first motion.

6. The respondent no.1/husband shall withdraw the connected case at Sl. No.1 within fifteen days from today and the connected case at Sl. No.2 shall be withdrawn by him on date fixed.

7. The complainant wife shall withdraw the present case before Ld. Referral Court after first motion petition, on case fixed.

8. It is further agreed between the complainant/wife and the respondents that they would not file any case in future against each other and/or their respective family members in connection with this marriage. Both the parties will not be left with any grievance against each other as well as their respective families. Both parties shall not contact the either



of the family members, relatives, friends, acquaintance nor shall make any defamatory remarks against each other.

9. Both the parties shall make appropriate statements before the concerned courts and shall cooperate with each other in all the legal proceedings, so as to give effect to this settlement.

10. In case any party does not abide by the terms and conditions of this settlement, the other party shall be at liberty to take appropriate action as per law.

11. The parties shall be bound by the terms and conditions as mentioned above.

12. Both the parties shall bear their respective cost of litigation.

13. By signing this settlement, both the parties state that they have no further dispute against each other in respect of the present case and the above mentioned connected cases and all the disputes and differences in this regard have been amicably settled by them during the meditation.

14. The contents of the settlement have been explained to both the parties in Hindi and they have understood the same. Both the parties undertake that they have consented and signed the above settlement after going through and understanding its contents and they have settled the dispute between themselves of their own free will and without any coercion, pressure, undue influence, force misrepresentation or mistake from any quarter.”

4. 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.

5. Respondent No. 2 is present in court and has duly been identified by the IO. She states that under the settlement divorce has already taken place between the parties vide decree dated 26.03.2024 and that she has received the complete payment as agreed upon. She further submitted that she had resolved the dispute voluntarily without any fear, force, or coercion and has no objection if FIR No. 590/2022 registered at Police Station Baba Haridas Nagar, Delhi under Sections 498A/406/34 IPC is quashed.
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.
7. In view of the above, FIR No. 590/2022 dated 16.12.2022 registered at Police Station Baba Haridas Nagar, Delhi under Sections 498A/406/34 IPC and all the proceedings emanating therefrom are quashed.
8. The present petition along with all the pending applications stand disposed of.

DINESH KUMAR SHARMA, J

OCTOBER 24, 2024/ssc/smg..