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

+ **CRL.M.C. 8492/2024**

NAVEEN @ VARUN

.....Petitioner

Through: Mr. S. K. Rai, Ms. Rupam Kumari,
Ms. Vibha, Advs. with Petitioner.

versus

THE STATE OF NCT OF DELHI & ANR.Respondents

Through: Ms. Kiran Bairwa, APP for State and
SI Shantanu, PS Amar Colony.
R-2 in person.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

25.10.2024

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CRL.M.A. 32386/2024

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

CRL.M.C. 8492/2024

3. The Present petition has been filed under section 482 Cr.P.C for quashing of FIR No. 182/2017 dated 20.05.2017 registered under Section 498A/406/34 IPC at PS Amar Colony and all the other proceedings emanating therefrom.
4. Learned Counsel for the petitioner submits that Respondent no.2/complainant married petitioner on 19.06.2014 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 recorded their joint statement before learned Principal Judge, Family Court, South East District, Saket Court, New Delhi dated 08.02.2022 on the following terms and conditions:

“1. That we married to each other on 19.06.2014 was got married in accordance with Hindu Rites, customs and ceremony at the above said address of petitioner no 2. The our Adhar Card are Ex PI and P 2, our marriage invitation card are Ex. P 3 and marriage photographs are Ex PW 4 colly.

2 That it is submitted that our marriage was dully consummated and we lived together as husband and wife but there is no child of the petitioners from the above said wedlock

3 That after the solemnization of our marriage, we resided together as a husband and wife but unfortunately the we could not adjust with each other due to our temperamental differences and our marriage has broken down irretrievably and it is now not possible for us to live to live together as husband and wife any more.

4 That we submit that all the efforts of reconciliation between us to continue our marriage and to save our marriage have failed and there are no further chances of reconciliation between us any more as we have finally decided to live separately and take mutual divorce as per law.



5 That we are residing separately since 07/06/2015 and there is no cohabitation between us since then.

6 That we have now decided to dissolve the marriage legally through a decree of divorce on mutual consent. We have settled all their claims, counter claims etc. and the petitioner no 2 wife shall not claim any Stridhan, Permanent alimony, maintenance etc. from the petitioner no I and there is no due with regard to any other claim between us.

7 That we submit that petitioner no i has not filed any case against the petitioner no 2 till date.

8 That we submit that wife has filed one case before CAW CELL which resulted into registration of FIR No 182/2017 PS Amar Colony u/s 498A/406/34 IPC that is pending in the court of Id MM. Saket Court South East, Saket Court and next date of hearing is fixed for 23/02/2022. A copy of proof is marked as Mark 1

9 That we submit that wife has also filed a criminal case under section 12 of Domestic Violence Act and the same is pending before the Id MM Saket Court South East Saket Court A copy of the proof is marked as Mark 2

10 That we state that the matter between us has been settled we have has decided to withdraw all the complaints, counter complaints against each other. And and cases pending before the Id Court and petitioner no 2 will cooperate in the quashing of above said FIR no. 182/2017 PS Amar Colony before the Hon'ble High Court of Delhi.

11 That there is no chance the save our marriage and now it has been very just and proper to grant our prayer to dissolve our marriage on the grand of Mutual consent and we pray that our petition may be allowed and accepted as no claim/dispute of any kind left between US.

12 We say that no part of our statement is false in any respect nor we have concealed any material fact. We



understood the consequences of making false statement or concealing for materials facts. We have been told by the court that breach of terms of the settlement would entail adverse consequences in terms of directions of Hon'ble Delhi High Court in the case of Rajat Gupta Vs Rupali Gupta”

6. It is submitted by both parties that the marriage between them has already been dissolved 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. 182/2017 dated 20.05.2017 registered under Section 498A/406/34 IPC at PS Amar Colony and all the other proceedings emanating therefrom.
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 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 Hindu Rites, she has no objection if FIR No. 182/2017 dated 20.05.2017 registered under Section 498A/406/34 IPC at PS Amar Colony 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. 182/2017 dated 20.05.2017 registered under Section 498A/406/34 IPC at PS Amar Colony and all the other proceedings emanating therefrom are quashed.
12. The present petition along with all the pending applications stand disposed of.

DINESH KUMAR SHARMA, J

OCTOBER 25, 2024/AR/DG..