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

+ **W.P.(CRL) 3380/2024**

SATISH KUMAR

.....Petitioner

Through: Mr. Saurabh Jhamb and Mr. Vishal Rawal, Advs. with Ms. Iata Maheshwari (parokar of petitioner.)

versus

THE STATE GOVT. OF NCT OF DELHI AND ANR....Respondents

Through: Mr. Sanjay Lao, SC with Mr. Abhinav Kumar, Mr. Priyam Agrawal, Advs. with SI Rahul Tomar, PS Gandhi Nagar.

Mr. Vinod Pal, Mr. Anuj Jain, Advs. for R-2 with R-2 in person.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

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28.10.2024

CRL.M.A. 32554/2024 (Exemption)

Exemption is allowed subject to all just exceptions.

Application stands disposed of.

W.P.(CRL) 3380/2024

1. The present petition has been filed seeking quashing of FIR bearing No.237/2014 registered at PS Gandhi Nagar, Delhi under Sections 498A/406/34 IPC on the basis of settlement.
2. Learned Counsel for the petitioner submits that Respondent no.2/complainant married petitioner no.1 on 04.02.2011 in accordance with the Hindu Rites and Ceremonies. One Child namely Master Ayush was born who is in custody and care of Respondent No.2.



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. He submits that the chargesheet, in this case, has already been filed and the matter is pending before the Learned MM, East, Karkardooma Courts, Delhi.

3. Learned counsel for the petitioner submits that the petitioner/husband is stated to be mentally retarded person suffering from moderate intellectual impairment (IQ-44) which amounts to permanent disability of 75%. Disability certificate and Concession Certificate issued by IBHAS (as Annexure A) has been placed on the record. The present petition is filed by the petitioner through his sister namely Lata Maheshwari as Parokar of the petitioner. Learned counsel for the petitioner submits that other co-accused persons namely Govind Ram (Father-in-law) and Smt. Krishna (mother-in-law) parents of the petitioners have already expired on 09.12.2018 and 24.07.2023 respectively. The death certificates of them are already placed on the record. Learned counsel further submits that the matter between the parties have already been settled as per the settlement deed dated 01.09.2024.
4. Issue notice. Learned ASC for the State has accepted the notice.
5. Learned ASC for the State submits that in the chargesheet there were other co-accused persons who were placed on column No.3. However, learned ASC submits that these persons are not summoned.
6. Petitioner through Parokar and respondent No.2 submit that they have already settled the matter amicably vide settlement deed dated



01.09.2024 on the following terms and conditions;

a) That an amount of Rs. 1,00,000/- (Rupees one Lakh Only) along with one male gold ring shall be paid by the first party to the second party before the court at the time of withdrawal of Domestic Violence complainant vide case no. 7143/2016 and Execution vide no. Ex.Crl. No. 118/2021 which are pending before the court of Ms. Rishika Srivastava, Ld. M.M., Mahila Court, East, KKD Courts, Delhi.

b) That remaining amount of Rs. 75,000/- (Rupees Seventy Five Thousand Only) along with One Gold Necklace shall be paid by the first party to the second party at the time of quashing of the FIR No. 237/2014, U/S 498-A/406/506/341/34 I.P.C. was registered at P.S. Gandhi Nagar

And whereas it is settled between the parties that the first party shall give the statement/NOC on behalf of Satish Kumar before the hon'ble court, in case the second party apply for the divorce on mutual consent.

And whereas it has been settled between the parties that the custody of the son namely Master Aayush shall be remains with second party and it is also agreed between the parties that the first party or their family member shall never claim the custody of the minor son master ayush from the second party in future also.

And whereas both the parties have settled all their claims of full and final settlement as present, past and future maintenance, permanent alimony etc. and nothing remains of the second party and Master Aayush towards the first party in respect of any istridhan/ dowry/maintenance etc.

And whereas neither of the parties will file any petition U/s 9 of HMA for Restitution Of Conjugal Rights against each other in any court of law in Delhi or outside Delhi. Neither the first party will file any petition under Guardianship Act for the custody of Master Aayush nor the second party will file any petition for maintenance U/s 125 Cr.P.C. for herself or for



Master Aayush, Criminal case U/s 406/498A IPC or any other complaint U/s 12 of PWDV Act against the first party either before women Cell/Police Station/ Court of law in Delhi or outside Delhi in any manner.

And whereas the second party shall have no interest/right in any movable and immovable properties either in the name of first party and neither they will claim over the properties of the first party and in the same manner the first party shall have no interest/right in any movable and immovable properties of the second party and neither he will claim over the properties either in the name of second party and her family members in any manner in future in Delhi or outside Delhi.

And whereas at the time of execution of this settlement, both the parties are in sound and disposing mind not suffering from any mental disorder or insanity and there are no any kind of pressure, coercion, threats or undue influence from any corner over either the party.

And whereas all the terms and conditions and contents of this deed have been read over to both the parties in their vernacular language for which both the parties have no objection.

7. Today, as per settlement, a Demand Draft bearing No. 185345 dated 19.10.2024 drawn from Central Bank of India for the sum of Rs.75,000/- in the name of Seema Gupta is handed over to the complainant/respondent No.2 by Ms. Lata Maheshwari, Parokar of the petitioner.
8. 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 further states that she has no objection if FIR bearing No.237/2014 registered at PS Gandhi Nagar, Delhi under Sections 498A/406/34 IPC and all the



proceedings emanating therefrom.

9. 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) 5 SCC 226; *Yashpal Chaudhrani and Others vs. State (Govt. of NCT Delhi) and Another*, 2019 SCC OnLine Del 8179.
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.237/2014 registered at PS Gandhi Nagar, Delhi under Sections 498A/406/34 IPC and all the other proceedings emanating therefrom are quashed.
12. The present petition along with all the pending applications stands disposed of.

DINESH KUMAR SHARMA, J

OCTOBER 28, 2024

Pallavi/HT