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

+ **CRL.M.C. 8749/2024, CRL.M.A. 33476/2024**

**SH. ANKIT KUMAR AND ORS.**

.....Petitioners

Through:

versus

**THE GOVT. OF NCT OF DELHI**

.....Respondent

Through: Ms. Kiran Bairwa, APP for the State  
Mr. Joginder Sagar and Mr. Vivek  
Bhati, Advs. for R-2

**CORAM:**

**HON'BLE MR. JUSTICE DINESH KUMAR SHARMA**

**ORDER**

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**13.12.2024**

**CRL.M.A. 33475/2024 (exemption)**

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

**CRL.M.C. 8749/2024**

1. The present petition has been filed seeking quashing of FIR No. 488/2021 registered at PS Mukherjee Nagar under Sections 498A406/34 of IPC and all the proceedings arising therefrom.
2. Learned Counsel for the petitioner submits that Respondent no.2/complainant married petitioner no.1 on 08.03.2018 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.

3. 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 dated 21.12.2022.
4. 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. 488/2021 registered at PS Mukherjee Nagar and all the other proceedings emanating therefrom.
5. I have gone through the settlement deed dated 21.12.2022 which has been placed on record. The settlement agreement provides for the following terms and conditions:

*1) It is mutually settled between the parties that petitioner/wife and respondent/husband shall get dissolved their marriage by a decree of divorce by mutual consent without leveling allegations and counter-allegations against each other in accordance with law before the Court of competent jurisdiction at Delhi.*

*2) The present dispute has been settled amicably between the parties for a total sum of Rs.17,00,000/- (Rupees Seventeen Lakhs only) alongwith one gold set with ear rings, one gold chain and one diamond studded gold ring as full and final satisfaction of the DH/wife including all her claims past, present and future arising out of the marriage with respondent/husband, which shall include permanent alimony, Istridhan, maintenance, movable and immovable properties and all other miscellaneous expenses.*

*3) The settled amount of Rs.17,00,000/- (Rupees Seventeen Lakhs only) shall be paid by way of DD/NEFT/RTGS or cash against receipt or any other electronic mode by the JD/husband to the DH/wife as per following schedule:-*



i) 1<sup>st</sup> installment of Rs.5,00,000/- (Rupees Five Lakhs Only) alongwith one gold set with ear rings, one gold chain and one diamond studded gold ring shall be paid /given by the ID/husband to the DH/wife at the time of recording statements of the parties in First Motion Petition U/s.13B(1) of Hindu Marriage Act. 1<sup>st</sup> Motion shall be filed within 15 days from today.

ii) 2<sup>nd</sup> installment of Rs.5,00,000/- (Rupees Five Lakhs Only) shall be paid by the JD/husband to the DH/wife at the time of recording their statement in Second Motion Petition U/s.13B(1) of Hindu Marriage Act, which shall be filed jointly by the parties within stipulated period as per law or they shall move an application for waiver of the stipulated period.

iii) 3<sup>rd</sup> installment of Rs.7,00,000/- (Rupees Seven Lakhs only) shall be paid by the JD/Husband to DH/Wife at the time of at the time of quashing of the aforesaid FIR No.488/2021, State Vs. Ankit Kumar and Others, PS Mukherjee Nagar, U/s. 498A/406/34 IPC registered against accused persons (1) Ankit Kumar (Husband), (2) Shri Ajit Kumar (Father-in-law) & (3) Smt. Nishi Kumar (Mother-in-law), subject to discretion of the Hon'ble High Court of Delhi which shall be filed by JD/husband within a month from passing of divorce decree in Second Motion. The complainant/wife undertakes to cooperate in quashing petition by giving her statement and affidavit/NOC or to appear before Hon'ble High Court of Delhi or any other Forum.

iv) The JD/husband shall withdraw the connected case HMA No.2305/2022, Ankit Kumar Vs. Jyoti Karn before filing the 1<sup>st</sup> Motion Petition.

v) The DH/Wife shall withdraw the present execution petition as well as connected case of DV Act after 1 Motion but before the 2<sup>nd</sup> Motion petition of Divorce.

vi) The JD/husband shall hand over the passport and miscellaneous items (including three briefcase) etc. to the DH/Wife at the time of signing of the petition of 1<sup>st</sup> Motion.

5) In case any of the parties fails to comply with any of the terms and conditions of the present settlement, than orring party shall be liable for contempt, as per law and in terms of



*the Judgment of "Rajat Gupta Vs. Rupali Gupta" passed by the Hon'ble High Court of Delhi and shall get revive all the conditions as before settlement.*

*6) Both the parties also undertake not to interfere in the life of each other or their family/ relatives in future. It is categorically stated by both the parties that none of the family members shall contact and visit to each other after passing of the decree of divorce and compounding of the aforesaid matter.*

*7) It is settled that there shall remain no case/claim/dispute between the parties after compliance of the terms of the present settlement and that none of the parties shall file any civil or criminal proceedings against each other or their family members in future and that if any other case/petition/complaint etc. between the parties is pending in any Court or Authority either against the parties or against their respective family members and whether it is in the knowledge of other party or not, the same shall be withdrawn/got disposed of by the respective party and shall be treated as null and void.*

*The parties entered into the present Settlement/Agreement voluntarily without any fear, coercion or undue influence from any corner, whatsoever. The parties shall be bound by this settlement and shall co-operate to execute this settlement in every possible manner, whatsoever.*

6. The total settlement amount in terms of the settlement deed dated 21.12.2022 is Rs.17,00,000/-. Today, as per the settlement, a demand draft bearing DD No.000150 dated 13.08.2024 drawn from AXIS Bank in the name of Jyoti Karn for the sum of Rs.7,00,000/- is handed over to respondent No.2 in the Court. Respondent No. 2 states that she has received the entire settlement amount.
7. 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.

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 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. 488/2021 registered at PS Mukherjee Nagar and all the other proceedings emanating therefrom are quashed.
9. 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.



10. In view of the above, FIR No. 488/2021 registered at PS Mukherjee Nagar and all the other proceedings emanating therefrom are quashed.

11. The present petition along with all the pending applications stand disposed of.

**DINESH KUMAR SHARMA, J**

**DECEMBER 13, 2024**

*Pallavi/HT*