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

+ **W.P.(CRL) 3536/2024**

**SHRI RAHUL @ MOHIT KUMAR & ORS. ....Petitioners**

Through: Mr.Triloki Pandit, Advocate  
alongwith petitioners

versus

**STATE (GOVT. OF NCT OF DELHI) & ANR. ....Respondents**

Through: Mr.Sanjay Lao, Standing Counsel for  
the State with Mr.Priyam Agarwal  
and Mr.Abhinav K.Arya, Advocates  
alongwith ASI Sujan Singh, P.S.-Raj  
Park, Delhi  
Ms.Payal, Advocate for R-2  
alongwith R-2

**CORAM:**

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

**ORDER**

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**12.11.2024**

**CRL.M.A. 33800/2024 (Exemption)**

Exemption allowed subject to just exceptions.

The application stands disposed of.

**W.P.(CRL) 3536/2024**

1. The present petition has been filed under Article 226 of the Constitution of India read with Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (earlier 482 of the Code of Criminal Procedure, 1973) seeking quashing of FIR No. 0723/2021 registered at Police Station Raj Park, Delhi under Sections 406/498A/34 IPC.



2. Learned Counsel for the petitioner submits that Respondent no.2/complainant married petitioner no.1 on 28.11.2014 in accordance with the Hindu Rites and Ceremonies. Out of the said wedlock, two daughters namely Drishti, Jiya and one son namely Dev were born. 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 were referred to Counselling Cell, Family Courts, Dwarka Court, Delhi where the parties have resolved their disputes amicably and decided to live together and in furtherance thereof they have entered into a settlement dated 14.09.2022.
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. 0723/2021 registered at Police Station Raj Park, Delhi under Sections 406/498A/34 IPC and all the proceedings emanating therefrom.
5. I have gone through the settlement which has been placed on record. The settlement agreement provides for the following terms and conditions:

*“1. It is mutually agreed between the parties that they will start living together alongwith their children namely Drishti (Daughter) aged about 8 years, Dev (Son) aged about 6 years and Jiya(daughter) aged about 2.L12 years from 26<sup>th</sup> September, 2A22 at H. No. RZ-E-32, Jai Vihar, Phase I, Nangloi, Najafgarh Road, New Delhi-110043.*



2. *It is further agreed between the parties that petitioner/husband will bear all educational expenses of children as well herself expenses.*

3. *It is further agreed between the parties that petitioner will handover ornaments to the respondent/wife on 26th September, 2022 as per Annexure 'A'.*

4. *It is further agreed between the parties that the petitioner will also pay Rs.50,000/- to respondent by September, 2023.*

5. *It is further agreed between both the parties that they will fulfil all their marital obligations and not indulge in any kind of domestic violence and relative of the either parties shall not interfere in their lives.*

6. *It is further agreed between the parties that both parties apologize for past deeds and will ensure that not to repeat the same mistake in future so that they can lead to happy married life.*

7(a) *It is further agreed between the parties that petitioner will withdraw the case U/s 9 of HMA which is pending in the Court of Shri Praveen Kumar, Ld. Principal Judge, Family Courts, Dwarka, New Delhi.*

7(b) *It is further agreed between the parties that respondent will withdraw her complaint against the petitioner and his family members which is pending in Mangolpuri Police Station and Najafgarh Police Station by end of October, 2022.*

8. *It is further agreed between the parties that the parties have read and understood the contents of this Settlement and shall remain bound with the terms and conditions mentioned in this settlement.*

*The above said settlement is arrive at between the parties out of their own free will and without any force, pressure, coercion, and the parties have signed it in my presence.*

*The parties will appear before the concerned Hon'ble Court on*



14.09.2022.”

6. 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 parties have resolved all the disputes and decided to reside together, she has no objection if FIR No. 0723/2021 registered at Police Station Raj Park, Delhi under Sections 406/498A/34 IPC and all the proceedings emanating therefrom.
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. 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.



9. In view of the above, FIR No. 0723/2021 registered at Police Station Raj Park, Delhi under Sections 406/498A/34 IPC and all the other proceedings emanating therefrom are quashed.
10. The present petition along with all the pending applications stand disposed of.

**DINESH KUMAR SHARMA, J**

**NOVEMBER 12, 2024**

Dy/ht..