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

+ **CRL.M.C. 8885/2024**

DEEPAK DHAWAN & ORS.

.....Petitioners

Through: Mr.Amit Gupta, Advocate (Through
VC) alongwith petitioners

versus

STATE GOVT. OF NCT OF DELHI & ANR.Respondents

Through: Mr.Satinder Singh Bawa, APP for the
State alongwith SI Anil Kumar, P.S.-
Vijay Vihar alongwith complainant

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

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13.11.2024

*The hearing has been conducted through hybrid mode (physical and
Virtual hearing).*

CRL.M.A. 33969/2024 (Exemption)

Exemption allowed subject to just exceptions.

The application stands disposed of.

CRL.M.C. 8885/2024

1. The present petition has been filed under Section 528 of Bharatiya
Nagarik Suraksha Sanhita, 2023 seeking quashing of FIR No.
295/2022 registered at Police Station Vijay Vihar, Delhi under
Sections 498A/406/34 IPC.
2. Brief facts of the case that Respondent no. 2 married the petitioner
No.1 on 01.02.2020. However, due to temperamental differences and



mental incompatibility, disputes arose and parties started living separately since September 2021, and the present FIR was also registered. In the meanwhile, on 11.12.2021, Respondent No. 2 gave birth to son, i.e., Shaurya.

3. It has been stated that during the pendency of the proceedings, the dispute was settled between the parties vide conciliation report dated 11.07.2023 prepared by Principal Judge, Family Courts, North-West District, Rohini Court, Delhi on following terms and conditions;

“1. It is agreed that parties that they will start living together in the matrimonial house address 9/8 South face, III floor, Indra Vikas Colony, near Shai Parmanand Colony, Delhi-110009.

2. It is further agreed between the parties that petitioner will withdraw her/his case which is pending before the court of Mr. Gurvinder Pal Singh, PJ, N/W, Family Courts Rohini. Which is fixed for 25/09/23 or within six months from that day they are ready to living together as dutiful husband and wife and carry out their marital duties and responsibilities.

3. It is further agreed between the panics that their parents/ relatives will not interfere in their matrimonial life of the petitioner and respondent and they shall not indulge in any kind of domestic violence.

3.1 Deepak will give 2000/- p.month as Personal Maintenance on/before 10th of every month to Vaishali and for her kid.

4. The terms and conditions mentioned in the settlement have been understood and vernacular by either of the parties voluntarily, out of their own free will volition and consent and without there being any undue pressure, force, coercion, influence, misrepresentation or mistake (both of fact and law), in any form whatsoever and the parties have agreed that the



settlement/agreement has been correctly recorded as per the agreed term and conditions as mentioned in their settlement.

5. It is further agreed between the parties that they shall remain bound with the aforesaid terms and conditions as mentioned in the settlement.

The parties shall appear before the concerned Hon'ble court on 25/9/23."

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. Both parties are present in Court and have duly been identified by the Investigation Officer. They state that they have agreed to live together as dutiful husbands and have wives. Respondent No.2 as further submitted that she had resolved the dispute voluntarily without any fear, force, or coercion.
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. 295/2022 registered at Police Station Vijay Vihar, Delhi under Sections 498A/406/34 IPC and all the other proceedings emanating therefrom are quashed.
8. The present petition stands disposed of.

DINESH KUMAR SHARMA, J

NOVEMBER 13, 2024

Dy/smg..