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

+ **CRL.M.C. 9074/2024**

SUNIL TIWARI AND OTHERS

.....Petitioners

Through: Ms.Vibha Gautam, Advocate

versus

THE STATE GOVT. OF NCT OF DELHI AND ORS.

.....Respondents

Through: Mr.Hemant Mehla, APP for the State
alongwith ASI Vikram Singh, P.S.-
Karawal Nagar
Ms.Radhika, Advocate for
complainant

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

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21.11.2024

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

CRL.M.A. 34793/2024 (Exemption)

Exemption allowed subject to just exceptions.

The application stands disposed of.

CRL.M.C. 9074/2024

1. The present petition has been filed under Section 482 Cr.P.C/Section 528 BNSS for quashing of FIR No. 408/2020 for offences punishable under Sections 498A/406/34 IPC and Section 4 Dowry Prohibition Act,1961, registered at Police Station Karawal Nagar, Delhi and all



the other proceedings emanating therefrom.

2. Learned Counsel for the petitioners submits that the marriage between the petitioner no.1 and the respondent no.2 was solemnized on 10.07.2018 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 since July, 2018 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 13.02.2024 before the Court of learned Principal Judge, Family Courts, North-East, Karkardooma Courts, Delhi.
4. Pursuant to the settlement, it is submitted by both parties that the marriage between them has already been dissolved as per Hindu rites and ceremonies on 13.09.2024. Respondent No.2 also states that the divorce as already been taken place as per Hindu rites and ceremonies.
5. 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. 408/2020 for offences punishable under Sections 498A/406/34 IPC and Section 4 Dowry Prohibition Act, 1961, registered at Police Station Karawal Nagar, Delhi and all the other proceedings emanating therefrom.



6. I have gone through the settlement deed dated 13.02.2024 which has been placed on record. The settlement agreement provides for the following terms and conditions:

“1. It is agreed between the parties that both the parties shall take divorce by way of mutual consent within the jurisdiction of Family Courts Delhi.

2. It is further agreed between the parties that the first motion petition shall be filed on or before 20.2.2024. The respondent (wife) shall file first motion and second motion be filed by the petitioner (husband).

3. It is further agreed between the parties that after expiry of mandatory prescribed period of six (6) month or any other earlier, if any so permitted under the law /judicial pronouncement, they will file second motion as contemplated under the Hindu Marriage Act 1956 or in any other law and both the parties shall cooperate in entire process of mutual consent divorce proceedings and shall duly appear before the Hon'ble court for recording of their respective statement as required in law for the first and second motion.

4. It is agreed between the parties that the petitioner (husband) shall pay to respondent (wife) a sum of Rs 3 lakhs (Rupees three lakhs only) against stridhan, dowry articles, past present and future maintenance etc

5. Parties also agree that the (wife) i.e. , shall not claim, in future also, any maintenance (past, present, future), any stridhan, dowry articles or lay claim on any right, title or interest in the (movable and immovable properties) of the husband or his family members.

6. It is agreed between the parties that the settled amount shall be paid by the Petitioner (husband) to the resp (wife) as follows —

Mode of payment (NEFT/RTGS/DD)

A) Rs 2 lakhs at the time of recording of statement in First Motion

B) No payment schedule in recording of statement in Second Motion



C) Rs 1 lakh to be paid at the time of quashing of FIR no 0408/2020, before Hon'ble High court of Delhi

7. It is agreed that both the parties shall withdraw all the cases and complaints, if any, filed against each other from the respected / Hon'ble Courts, police station, and concerned authorities.

7 (A).It is agreed that the executions shall be withdrawn by the respondent on or before recording of statement in First Motion . The HMA (s-9) petition be withdrawn by the petitioner on or before recording of statement in First Motion.

7a) The petitioner (husband) shall file a quashing petition before Hon'ble High Court of Delhi within 15 days,

8. Both parties agree that in the event of any default/or breach of terms of mutually agreed settlement the petitioner shall pay , Rs 1,00,000 as Penalty to the respondent and similarly, if the respondent commits any default/or breach of this settlement he shall pay Rs 1,00,000 as penalty to the petitioner . Further both the parties shall be bound by the Judgment in Rajat Gupta Vs Rupali

9. It is agreed and undertake not to file any other complaint, petition, execution application etc. against each other at any time in future in any court of law in India and both the parties here by agree to abide by present settlement as having been reached without any undue influence, pressure or coercion.

10.It is agreed between the parties that in the event of failure of the compliance of present settlement, both the parties shall be at liberty to seek revival and peruse their respective cases / remedies under law which includes proceedings mentioned herein.

7. The total settlement amount in terms of settlement deed dated 13.02.2024 is Rs. 3,00,000/-. Today, as per settlement, a demand draft bearing DD No. 404364 dated 18.11.2024 drawn on Indian Bank, Sonia Vihar, of Rs.1,00,000/- in the name of Deepti is



handed over to the respondent No.2 in the Court. Respondent No. 2 states that she has received the entire settlement amount.

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 the parties are present in Court and have duly been identified by the Investigation Officer. 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. 408/2020 for offences punishable under Sections 498A/406/34 IPC and Section 4 Dowry Prohibition Act, 1961, registered at Police Station Karawal Nagar, Delhi 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. 408/2020 for offences punishable under Sections 498A/406/34 IPC and Section 4 Dowry Prohibition Act, 1961, registered at Police Station Karawal Nagar, Delhi and all the other proceedings emanating therefrom are quashed.

12. The present petition stands disposed of.

DINESH KUMAR SHARMA, J

NOVEMBER 21, 2024

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