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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 9134/2024**

DEEPAK SHARMA & ORS.

.....Petitioners

Through: Mr. Balraj & Mr. Suhel Shah,
Advocates.

versus

STATE OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Balraj & Mr. Suhel Shah,
Advocates for R-2.

Mr. Hemant Mehla, APP for the State
with SI Mamta & P.S. Dwarka Sector-
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CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

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12.12.2024

CRL.M.A. 35002/2024 (exemption)

Exemption is allowed subject to all just exceptions.

CRL.M.C. 9134/2024

1. The Present Petition has filed Under Section 582/482 of BNSS 2023 C.R.P.C 1973, for Quashing of FIR No. 0784/2006 PS: Dwarka, New Delhi, offences punishable under Sections 498A/406/34 of the Indian Penal Code, 1860 and all consequential proceedings emanating therefrom.
2. Learned Counsel for the petitioner submits that the marriage between the petitioner and the respondent no.2 was solemnized on 08.07.2008 in accordance with the Hindu Rites and Ceremonies and one Girl Child Namely Mahi were born out of the said wedlock. However, on account of temperamental differences and mental incompatibility, the parties started living separately and on the complaint of the respondent No.2, the present FIR got registered.



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. in furtherance of this settlement Respondent no. 2 has filed an NOC stating that she has entered into a settlement with the petitioner voluntarily, of her own free will and without any coercion, and has no objection if the FIR bearing No. 0784/2006 registered at Police Station Dwarka, for offences punishable under Sections 498A/406/34 of the IPC is quashed.
4. Pursuant to the settlement, it is submitted by both parties that they have started to live together.
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 bearing No. 0784/2006 registered at Police Station Dwarka, for offences punishable under Sections 498A/406/34 of the IPC and all consequential proceedings emanating therefrom.
6. I have gone through the NOC dated 09.10.2024 which has been placed on record.
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) 5 SCC 226; *Yashpal Chaudhrani and Others vs. State (Govt. of NCT Delhi) and Another*, 2019 SCC OnLine Del 8179.

8. 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. And since the parties are living together, Respondent no. 2 has no objection if FIR bearing No. 0784/2006 registered at Police Station Dwarka, for offences punishable under Sections 498A/406/34 of the IPC and all consequential 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. However, this shall not bind the legal rights, title, and interest of the daughter born to the petitioner and respondent no. 2, in any manner. The daughter namely Mahi shall be at liberty to pursue her legal rights in accordance with law.
10. In view of the above, FIR bearing No. 0748/2006 registered at Police Station Dwarka, for offences punishable under Sections 498A/406/34 of the IPC and all consequential proceedings emanating therefrom are quashed.
11. The present petition stands disposed of.

DINESH KUMAR SHARMA, J

DECEMBER 12, 2024

Pallavi/NA