



\$~60

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

+ **CRL.M.C. 9668/2024**

ASHISH DIXIT AND ORS.

.....Petitioners

Through: Mr.Umesh K.Choubey and Mr.Tarun
Solanki, Advocates alongwith
petitioners

versus

STATE GOVT. OF NCT OF DELHI AND ANR.Respondents

Through: Ms.Kiran Bairwa, APP for the State
alongwith SI Raghbir Prasad, P.S.-
Khyala

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

% **10.12.2024**

CRL.M.A. 37114/2024 (Exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

CRL.M.C. 9668/2024

1. The present petition under Section 528 the Bharatiya Nagarik Suraksha Sanhita, 2023 read with Section 482 of the Code of Criminal Procedure, 1973 has been filed on behalf of the petitioners praying for quashing of FIR bearing No. 43/2017 registered at Police Station Khyala, for offences punishable under Sections 498A/406/34 of the Indian Penal Code, 1860 and all consequential proceedings emanating therefrom. The chargesheet in this case has been filed u/s 498A/406/509/34 of the Indian Penal Code, 1860



2. Learned Counsel for the petitioners submits that the marriage between the petitioner and respondent no.2 was solemnized on 14.02.2015 in accordance with the Hindu Rites and Ceremonies and there is no living child born out of this wedlock. However, on account of temperamental differences and mental incompatibility, the parties started living separately since 19.02.2016 and instituted multiple litigations against each other 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 and their joint statement has been recorded in HMA No.50/2020.
4. Pursuant to the settlement, the marriage between the parties has already been dissolved as per Hindu rites and ceremonies on 21.01.2020.
5. I have gone through the settlement as mentioned in the Second Motion of divorce in HMA No.50/2020, which has been placed on record. The settlement agreement provides for the following terms and conditions:

“(i) Out of the said settled amount, a sum of Rs.2,00,000/- has been paid to petitioner no.1 by petitioner no.2 vide demand draft bearing No.226258 dated 25.10.2019 drawn on Punjab & Sind Bank at the time of recording of the statement in first motion.

(ii) A sum of Rs.2,00,000/- has been paid today to petitioner no.1 petitioner no.2 vide demand draft bearing no. 226287 dated 17.01.2020 issued by Punjab and Sind Bank, Manas Nagar, Mohali Road, Mathura, U.P (copy placed on record).

(iii) The remaining settlement amount of Rs.2,25,000/- shall



be paid to petitioner no.1 by petitioner no.2 at the time of quashing of the FIR NO. 431/17 PS Khyala u/s 498-A/406/509/34 IPC. Petitioner no.1 has undertaken to cooperate with petitioner no.2 at the time of quashing of the said FIR. Petitioner no.1 has also undertaken to withdraw the complaint under Section 12 of PWDV Act and its connected execution filed by her against petitioner no.2 from the Court concerned as per terms agreed vide settlement Mark-B. There is no other litigation pending between us before any Court.

5. We have also agreed that we will not initiate any litigation or will not raise any claim in future against each other and the family members and relatives of each other.

6. The first motion petition under Section 13(B)(1) of Hindu Marriage Act bearing HMA No.2299/19 was filed by us on 20.10.2019 wherein our joint statement for the first motion was recorded and the said petition was allowed vide order dated 04.12.2019. The certified copy of the said order is Ex.P-9.

7. We both state that our consent to this petition has not been obtained by coercion, fraud, pressure or undue influence and we have given the consent to this petition voluntarily. The present petition has not been filed by us in collusion with each other. We both undertake to abide by the terms and conditions as mentioned in the petition filed by us and the terms of Settlement arrived between us.

8. We say that no part of statement is false in any respect nor we have concealed any material fact. We understand the consequences of making false statement or concealing of material facts. No claim/dispute of any kind is left between us. We pray that our petition may be allowed and accepted and our marriage be dissolved by mutual consent.”

6. 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.

7. 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 also submits that the total settlement amount in terms of settlement deed dated 26.07.2019 is Rs. 6,25,000/- and that she has received the entire settlement amount. She submits that since the marriage between the parties has also been dissolved as per Hindu Rites, she has no objection if FIR bearing No. 43/2017 registered at Police Station Khyala, for offences punishable under Sections 498A/406/34 IPC and all the other proceedings emanating therefrom are quashed.
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 bearing No. 43/2017 registered at Police Station Khyala, for offences punishable under Sections 498A/406/34 IPC and all the other proceedings emanating therefrom including the chargesheet u/s498A/406/509/34 IPC are quashed.
10. The present petition along with pending application is any stands disposed of.

DINESH KUMAR SHARMA, J

DECEMBER 10, 2024

Dy/smg..