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

+ **CRL.M.C.9827/2024, CRL.M.A.37679/2024**

SHYAM SUNDER SEJWAL @ SS SEJWALPetitioners

Through: Mr.Manish Sangwan, Mr. Ashwani
Tehran, Advs.

versus

STATE OF NCT OF DELHI & ANR.Respondents

Through: Mr. Mukesh Kumar, APP for the State
with SI Jyoti , PS Dwarka, Sec-23,
Dwarka.
Mr. Ranjit Sehrawat, Adv. for R-2
with R-2

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

13.12.2024

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1. The present petition has been filed seeking the quashing of FIR No.321/2023/2013 PS Sector 23, Dwarka, under Sections 498A/406/34 of IPC and all the proceedings arising therefrom on the basis of the settlement deed dated 06.12.2024.
2. Learned Counsel for the petitioner submits that the marriage between the petitioner and respondent No. 2 was solemnized on 02.03.2002 in accordance with the Hindu Rites and Ceremonies, and two children 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 respondent No.2, the present FIR was registered.
3. Learned Counsel further submits that during the pendency of the



proceedings, the parties were referred to the counselling cell, Family courts, Dwarka, New Delhi, where they have resolved their disputes amicably, and in furtherance thereof, they have entered into a settlement dated 06.12.2024.

4. Pursuant to the settlement, it is submitted by both parties that they have started to live together. Furthermore, the Learned Counsel for the petitioners submits that since the parties have resolved all their differences amicably, it would be in the interest of justice to quash FIR No.321/2023/2013 registered at PS Sector 23, Dwarka, under Sections 498A/406/34 of IPC and all consequential proceedings emanating therefrom.

5. I have gone through the Settlement dated 06.12.2024, which provides for the following terms and conditions;

1. It is agreed between the parties that respondent/husband will pay an amount of Rs. 50,000/ (Rupees Fifty Thousand Only) per month to petitioner/wife as maintenance for the petitioner/wife and their children, w.e.f 10th December, 2024 onwards and maintenance shall be increased @ 30% of the Dearness Allowance of the Respondent per year, revisable each year in the month of November.

2. It is agreed between the parties that the said amount will be deposited by the respondent/husband in account of petitioner/wife through Bank Account on or before 10th day of every English Calendar month without any default. The bank account details of the petitioner/wife are as follows:

Bank A/C No. 50100320559145, HDFC Bank, Sector-20, Dwarka, IFSC Code: HDFC004324, or any other mode proposed by the defendant, subject to the approval of the petitioner/wife.

3. If the respondent failed to deposit the amount as stated above, then petitioner/wife has the right to take appropriate legal steps against the respondent/husband.



4. In addition, the petitioner/wife and her children may avail other medical facilities (like CGHS, Ayushman, all available facilities etc.) available to the family of the Govt. Servant (Respondent/Husband).

5. Further, the wife/petitioner and both the children shall have the legal rights in ancestral property of the respondent/husband as well as the properties purchased in the name of the petitioner/wife.

6. It is further agreed between the parties that petitioner/wife will withdraw the following case which are presently subjudice, namely

a. Her case U/S 125 Crpc Case bearing Mt No. 253/2023 which is pending in the court of Sh. Sanjeev Jain, Ld. Principal Judge, Family Court, Dwarka, New Delhi on 16/01/2025,

b. Her case bearing HMA No. 205/23 u/s 13(1)(ia) which is pending in the court of Sh. Vipin Kumar Rai, Ld. Judge, Family Court, Dwarka, New Delhi on 15/01/2025.

c. It is further agreed between the parties that the petitioner/wife shall provide all support and necessary assistance in concluding/withdrawing/quashing her case with FIR No. 321/2023, P.S. Sec. 23, Dwarka u/s 498A/406/34 IPC.

7. The petitioner/wife and the respondent/husband have been staying separately since 11.07.2021. The respondent/husband agrees not to approach or interfere in the life of the petitioner/wife.

8. If the respondent/petitioner interferes in the life of the petitioner/wife without her consent, then the petitioner/wife retains the right to take appropriate legal recourse including the revival of her Divorce Case.

9. Both the parties have agreed to make efforts to contribute and make any efforts which shall aid in the upbringing of the children and their carrier.

10. It is further agreed between the parties that the parties have read and understood the content of this settlement and they shall remain bound with the aforesaid terms and conditions as mentioned in the settlement.

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 v. 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. And since the parties are living together, Respondent no. 2 has no objection if FIR No.321/2023/2013 registered at PS Sector 23, Dwarka, for offences punishable under Sections 498A/406/34 of the IPC and all consequential 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 No.321/2023/2013 registered at PS Sector 23, Dwarka, under Sections 498A/406/34 of IPC and all consequential



proceedings emanating therefrom are quashed.
10.The present petition stands disposed of.

DINESH KUMAR SHARMA, J

DECEMBER 13, 2024

Pallavi/HT