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

+ **CRL.M.C. 9865/2024**

BALVIR CHAUHAN & ORS.

.....Petitioner

Through: **Mr.Brahmanand Gupta and Mr.Jai
Prakash Prasad, Advts.**

versus

STATE THROUGH SHO PS MANGOL PURI & ANR.

.....Respondent

Through: **Mr.Mukesh Kumar, APP for the
State.
SI Tarun, PS Manoglpuri
Mr.Bhupesh Narula, Mrs.Rinku
Narula, Mrs.Poonam Nagpal,
Mr.Anugrah Ekka and Mr.Kanishk
Taneja, Advts. for respondent no.2
Mr.Tripurari Tiwari, Mr.Arvind
Pandey, Mr.Rajesh Pandey,
Mr.Sachin Tripathi, Advts. with for
Respondent no.2 in person.**

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

% 16.12.2024

CRL.M.A. 37785/2024 (exemption)

Exemption is allowed, subject to all just exceptions.

The application stands disposed of.

CRL.M.C. 9865/2024



1. The present petition has been filed for quashing FIR no.66/2003 dated 10.02.2003 under Section 406/34 IPC at PS Mangol Puri and all the proceedings emanating from the same.
2. Learned Counsel for the petitioner submits that Respondent no.2/complainant married petitioner no.1 on 14.05.1996 in accordance with the Hindu Rites and Ceremonies. No child was born out of this wedlock. However, on account of temperamental differences and mental incompatibility, the parties started living separately since the year 2002 and instituted multiple litigations against each other and their respective families including the present FIR. He submits that the chargesheet, in this case, has already been filed.
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 the same was recorded vide order dated 06.04.2023 before the Mediation Centre, Rohini Courts. As per the settlement it has been agreed between the parties that the petitioner shall pay a sum of Rs. 32,00,000/- (Three two Lakhs) in full and final settlement of the entire dispute to respondent no. 2/complainant.
4. Pursuant to the settlement, a mutual divorce petition was also filed and a decree of divorce was granted in July 2024. However copy of the same is not filed on record.
5. Let a copy of the same be placed on record.
6. 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.66/2003 dated



10.02.2003 under Section 406/34 IPC at PS Mangol Puri and all the proceedings emanating therefrom.

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

1)It is mutually settled between the parties that complainant/wife and respondent/husband shall get dissolved their marriage by a decree of divorce by mutual consent without leveling allegations and counter-allegations against each other in accordance with law before the Court -of-competent jurisdiction at Delhi.

2)It is settled that the respondent/husband shall pay a total sum of Rs. 32,00,000/- (Rupees Thirty Two Lakhs only) to the complainant/wife towards full and final satisfaction of the complainant qua all her claims, maintenance (past, present and future) arising out of the present marriage which shall include permanent alimony, stridhan, dowry articles, maintenance, and all other miscellaneous expenses.

3) The settlement amount of Rs. 32,00,000/- (Rupees Thirty Two Lakhs only) shall be paid by the respondent/husband to the complainant/wife by way of DD/RTGS/NEFT or any other electronic mode in the following manner :-

i) Rs.11,00,000/- (Rupees Eleven Lakhs Only) shall be paid by the respondent/ husband to the complainant/wife at the time of recording of statements in First Motion Petition U/s 13B(1) of Hindu Marriage Act 1955, which shall be filed within a month from today.

ii) Rs.11,00,000/- (Rupees Eleven Lakhs Only) shall be paid by the respondent/ husband to the complainant/wife at the time of recording of statements in Second Motion Petition U/s 13B(2) of Hindu Marriage Act 1955 which shall be filed by the parties jointly as per law or by moving appropriate application for waiver of statutory period subject to the



directions of the Hon'ble Court.

iii) Balance amount of Rs. 10,00,000/- (Rupees Ten Lakhs only) shall be paid by the respondent/ husband to the complainant/wife at the time of quashing of the FIR No. 66/2003, U/s 406/34 IPC, PS Mangol Puri. The complainant/wife shall co-operate for the quashing of the aforesaid FIR in every manner whatsoever. The respondent/husband shall file a quashing petition before the Hon'ble High Court of Delhi within 45 days after passing of Decree of Divorce.

4)It is agreed between the parties that the complainant/wife shall withdraw the aforementioned connected cases after recording of statement in First Motion but before filing of Second Motion Petition.

5)It is also settled that if respondent/ husband backs out from terms and conditions of the present settlement, the amount already paid to the complainant/wife shall be forfeited. Similarly, if complainant/ wife backs out from terms and conditions of the present settlement, she shall be liable to pay interest @ 10 per cent on the payment which she has received from the respondent/ husband and entire amount alongwith interest is payable within a fortnight period from the date she refuses to come forward for recording her statement in second motion. Further, in case of breach by any party, they will be free to lodge/ initiate criminal as well as civil proceedings as per law against each other.

6)Both the parties shall bear own costs of litigation and shall cooperate each other in signing of first motion and second motion.

7)Both the parties undertake not to interfere in the life of each other in Future.

8)It is settled that after compliance of the terms of the present settlement, there shall remain no dispute due



between the parties arising out of the said marriage and that none of the parties shall file any civil or criminal proceedings against each other in future in respect of the present marriage and that if any other case/petition/complaint etc. between the parties is pending in any Court or Authority, the same shall be withdrawn/got disposed of by the respective party.

The parties entered into the present Settlement/ Agreement voluntarily without any fear, coercion or undue influence from any corner, whatsoever. The parties shall be bound by this settlement and shall co- operate to execute this settlement in every possible manner, whatsoever.

8. In terms of the settlement, today a D.D. bearing No.231589 dated 26.11.2024 in the sum of Rs.10 lakhs in the name of Indrawati drawn on Punjab and Sind Bank, Valsad is given to Respondent no. 2. Respondent no.2 states that she has received the entire settlement amount.
9. Both parties are present in court and have duly been identified by the IO. 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 by a decree of divorce by mutual consent in July 2024, she has no objection if FIR no.66/2003 dated 10.02.2003 under Section 406/34 IPC at PS Mangol Puri and all the proceedings emanating therefrom.
10. 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.

11. 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.
12. In view of the above, FIR no.66/2003 dated 10.02.2003 under Section 406/34 IPC at PS Mangol Puri and all the other proceedings emanating therefrom are quashed.
13. The present petition along with all the pending applications, if any, stands disposed of.

DINESH KUMAR SHARMA, J

DECEMBER 16, 2024/ Rb/ht