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

+ **CRL.M.C. 9869/2024**

RAJINDER SINGH NAGI

.....Petitioner

Through: Mr. Amandeep Singh, Mr. Davinder
Hora, Advs. with petitioner.

versus

THE STATE GOVT. OF NCT OF DELHI AND ANR...Respondents

Through: Ms. Kiran Bairwa, APP for the State
with SIRamchander, PS Tilak Nagar.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

% **16.12.2024**

CRL.M.A. 37807/2024 (Exemption)

Exemption allowed, subject to all just exceptions. Application stands disposed of.

CRL.M.C. 9869/2024

1. The present petition has been filed seeking quashing of FIR No.710/2005 PS Tilak Nagar, under Sections 498A/406/34IPC on the basis of the settlement.
2. Learned Counsel for the petitioner submits that Respondent no.2/complainant married petitioner no.1 on 15.10.1999 in accordance with the Hindu Rites and Ceremonies and one child one male child was born out of the said wedlock. However, on account of temperamental differences and mental incompatibility, the parties started living separately 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 amicably resolved their disputes and, as a result, have entered into a settlement. In furtherance of this settlement, Respondent No. 2 has filed a No Objection Certificate (NOC), affirming that she has entered into the settlement voluntarily, of her own free will, and without any coercion.
4. Pursuant to the settlement, it is submitted by both parties that the marriage between them has already been dissolved on 24.02.2002 as per law.
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.710/2005 PS Tilak Nagar, under Sections 498A/406/34IPC and all the other proceedings emanating therefrom.
6. Today, a demand drafts bearing Nos. 502197 dated 22.10.2024 drawn from Canara Bank for the sum of Rs.48,000/- and DD No.420854 dated 13.12.2024 for the sum of Rs. 1,37,000/- dated 22.10.2024 drawn from Indusland Bank in the name of Amarjeet Kaur. Respondent No. 2 states that she has received the entire settlement amount.
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) 5SCC 226; ***Yashpal Chaudhrani and Others vs. State (Govt. of NCT Delhi) and Another***, 2019 SCC OnLine Del 8179.

8. 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 an NOC has been also filed by the Respondent no. 2 regarding this. And since the marriage between the parties has also been dissolved as per law, she has no objection if FIR No.710/2005 PS Tilak Nagar, under Sections 498A/406/34IPC and all the other 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.
10. In view of the above, FIR No.710/2005 PS Tilak Nagar, under Sections 498A/406/34IPC and all the other proceedings emanating therefrom are quashed. However, this shall not bind the legal rights, title, and interest of the child born to them, in any manner. The child shall be at liberty to pursue his legal rights in accordance with law.



11.The present petition along with all the pending applications stand disposed of.

DINESH KUMAR SHARMA, J

DECEMBER 16, 2024

Pallavi/NA