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

+ **CRL.M.C. 9922/2024**

VIKAS KUMAR GAUTAM & ORS.Petitioners

Through: Mr. Brahma Dutt Sharma, Advocate
versus

THE STATE (GOVT. OF N.C.T. OF DELHI) & ANR.

.....Respondents

Through: Ms. Kiran Bairva, APP for State with
IO.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

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17.12.2024

Crl.M.A No. 37996/2024 (Exemption)

Exemption allowed, subject to just exceptions.

The application stands disposed of.

Crl.M.C. No. 9922/2024

1. The present petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, seeking the quashing of FIR No. 192/2019 registered at PS Farsh Bazar, Delhi under Sections 498A/406/34 IPC and all the proceedings emanating therefrom.
2. Issue notice. Learned APP for the State accepts notice.
3. Learned Counsel for the petitioner submits that Respondent no.2/complainant married petitioner no.1 on 30.01.2015 in accordance with the Hindu Rites and Ceremonies. One Child namely Baby Sudiksha was



born who is in custody of Petitioner No.1. 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.

4. Learned Counsel further submits that during the pendency of the proceedings, the parties have resolved their disputes amicably and in furtherance thereof, they have started residing 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 No. 192/2019 registered at PS Farsh Bazar, Delhi under Sections 498A/406/34 IPC and all the proceedings emanating therefrom.

6. I have gone through the settlement agreement dated 05.12.2020 arrived at Counselling Cell, North East District, Karkardooma Courts, Delhi on the following terms and conditions:

1. It is agreed between the parties that both the parties have been living together in the matrimonial house since 19.11.20. This house is situated at C-40, Phase-2 Shiv Vihar, Karawal Nagar Delhi-110094.

2. It is agreed that both the parties shall withdraw all the cases and complaints filed against each other from the respected Hon'ble courts, police station, and concerned authorities -

a) Divorce case filed by petitioner, before, Ld. Principal Judge, Family Court NE KKD; be withdrawn on or before DOH.24.12.20.

B) Case U/s 12 DV Act be withdrawn by respondent on or before 24.12.20.



3. *It is further agreed between the parties that the petitioner shall file petition for quashing of FIR no. 1526/'18(u/s498A/406/34 IPC and 3 &4 DP Act) before Hon'ble High Court of Delhi by 24.12.20 The respondent undertakes to cooperate in all manner, with the petitioner and his family members, in the quashing of the above said FIR.*

4. *Both parties agree that they shall reside together as dutiful husband and wife and carry out their matrimonial duties and responsibilities.*

5. *Parties agree further that the husband shall maintain his wife and provide financial security of the wife as per his capacity*

6. *Both parties agree that they shall strive towards maintaining a harmonious domestic environment. The parties further concur that there shall be no interference from the family members of both the parties, vis-a-vis their matrimonial life .*

7. *it is agreed between the parties that in the event of failure of the compliance of present settlement, both the parties shall be at liberty to seek revival and peruse their respective cases / remedies under law which includes proceedings mentioned herein.*

7. 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.

8. 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.

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. 192/2019 registered at PS Farsh Bazar, Delhi under Sections 498A/406/34 IPC and all the other proceedings emanating therefrom are quashed.

11. The present petition stands disposed of.

DINESH KUMAR SHARMA, J

DECEMBER 17, 2024/SV/ht