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

+ **W.P.(CRL) 4065/2024**

KUNAL YADAV & ORS.

.....Petitioners

Through: **Mr. Ram Nath Jha, Adv.**

versus

STATE GOVT. OF NCT OF DELHI AND ANR.Respondents

Through: **Mr. Sanjay Lao, SC for the State with
Mr. Abhinav Kumar, Adv. with SI
Mohit Batan, PS Bawana
Mr. Anju Yadav, Adv. for R-2
Mr. Yogyank Mishra, Adv. for R-2**

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

24.12.2024

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1. The present petition has been filed seeking quashing of FIR No. 118/2023 dated 16.01.2023 registered at PS Bawana under Sections 498A/406/34 and all the other proceedings emanating therefrom.
2. Learned Counsel for the petitioner submits that Respondent no.2/complainant married petitioner no.1 on 26.06.2020 in accordance with the Hindu Rites and Ceremonies and a girl child namely Dhani @ Kittu was born out of the said wedlock on 25.06.2021. 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 resolved their disputes amicably, and in furtherance thereof, they have entered into a settlement agreement dated 31.07.2023. Learned Counsel also submits that pursuant to the settlement, the marriage between the parties has already been dissolved as per HMA No, 1948/2023 vide order dated 04.10.2023.
4. 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 of FIR No. 118/2023 dated 16.01.2023 registered at PS Bawana under Sections 498A/406/34 IPC, and all the other proceedings emanating therefrom.
5. I have gone through the settlement/compromise deed dated 31.07.2023 handed over in Court. Let the same be brought on record. This Court has also gone through the no-objection/affidavit on behalf of respondent no.2 stating that she has no objection if the present FIR is quashed.
6. Both parties are present in court and have duly been identified by the IO. Respondent No. 2 submits that she has received the entire settlement amount and further states that she has entered the settlement voluntarily without any fear, force, or coercion. She also submits that other petitions have already been withdrawn or dismissed. And since the marriage between the parties has also been dissolved as per HMA No, 1948/2023 vide order dated 04.10.2023, she has no objection if of FIR No. 118/2023 dated 16.01.2023 registered at PS Bawana under Sections 498A/406/34



IPC, and all the other proceedings emanating therefrom are quashed.

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. 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, of FIR No. 118/2023 dated 16.01.2023 registered at PS Bawana under Sections 498A/406/34 IPC, and all the other proceedings emanating therefrom are quashed. However, this shall not bind the legal rights, title, and interest of the child namely Ms. Dhani@Kittu born on 25.06.2021 in any manner.



Child namely Ms. Dhani@Kittu shall be at liberty to pursue her legal rights in accordance with law.

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

DINESH KUMAR SHARMA, J

DECEMBER 24, 2024

Pallavi/KR