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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.A. 990/2023 & CRL.M.A. 4751/2025**
SATYA PRAKASH DWIVEDI & ANR.

.....Appellant

Through: Mr. Aman Chawla, Adv

versus

STATE (THE NCT OF DELHI) & ANR.

.....Respondent

Through: Mr. Manindra Dubey, Adv.
Mr. Sunil Kr. Gautam, APP
SI Yashveer Sharma, PS Govindpuri

CORAM:
HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

14.02.2025

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1. This is an appeal filed under section 397 and section 401 of Code of Criminal procedure, 1973 seeking setting aside of the judgment dated 16.08.2023 passed by the learned Addl. Sessions Judge-05, South East District, Saket Courts, Delhi in Crl. Appeal No. 456/2019 titled as "*Kanchan Dwivedi versus Satya Prakash Dwivedi and Anr.*",
2. As per the impugned judgment 16.08.2023, the appellant no.1 was convicted for offences punishable under section 498A of IPC, 1860 and the appellant no. 2 was convicted under section 406 of IPC, 1860. *Vide* order of sentence dated 09.11.2023, the appellant no.1 was sentenced to 2 years simple imprisonment along with a fine of Rs. 5 lakhs and the appellant no.2 was sentenced to pay a fine of Rs. 5 lakhs to the complainant.
3. Previously, vide judgment dated 03.07.2019, the learned Metropolitan Magistrate (Mahila Court) - 04, South East District, Saket Courts, New Delhi had



acquitted the appellants for offences punishable under sections 498A/406 of IPC, 1860.

4. Subsequent to the judgment of conviction dated 16.08.2023, being passed, the appellant no. 1 and respondent no. 2 arrived at a settlement on 05.09.2024 by executing a Settlement Deed recorded before the learned Judge, Family Court, Patiala House Courts, Delhi, wherein the appellants agreed to pay a sum of Rs. 28,50,000/- to the respondent No.2 in full and final settlement of all her claims.

5. It is stated that the appellants have already paid a sum of Rs. 23,50,000/- to the respondent no. 2 and the balance amount of Rs. 5 lakhs are lying deposited with the learned Addl. Sessions Judge-05, South East District, Saket Courts, Delhi.

6. Paragraph 7 of the Settlement Deed recorded before the learned Judge, Family Court, Patiala House Courts, Delhi reads as under: -

“7. It is further agreed between the parties that the petitioner (Husband) shall pay Rs 5,00,000/- (Five Lakh) after withdrawal from the Ld session court Saket (south east) Delhi the respondent (wife) at the time of quashing of CrI No-990/ 2023 filed after conviction by the Ld session court Saket New Delhi in FIR No.286/2009 u/s- 498A/406/34 of IPC P.S Govindpuri Delhi and withdrawal of CrI. MC no - 8933/2023 in Hon'ble Delhi High Court within 30 days after Second motion and respondent (Wife) shall cooperate and sign all the necessary affidavits / NOC and appear for statements and do the needful in quashing of said FIR/Cr Appeal and withdrawal of above said amount and shall get adjusted in third installment. The FIR/CrI. Appeal quashing shall be filed by Husband.”

7. The said settlement was duly recorded before the learned Family Court and is admitted by both appellant no.1 and respondent no.2, as is evident from the joint



statement recorded by the learned Family Court on 10.01.2025. Based on the said settlement, the appellant no. 1 and respondent no. 2 have also obtained the decree of divorce.

8. The respondent No.2 has also given a No Objection Certificate dated 10.01.2025, whereby she has stated that she has received an amount of Rs 23,50,000/-. The said no objection certificate is duly signed and attested by the respondent no. 2.

9. I am satisfied that the parties have arrived at a settlement. The parties have duly settled their disputes without any threat, coercion, undue pressure.

10. For the said reasons, and in view of the settlement executed between the parties, the present petition is allowed and the judgment dated 16.08.2023 passed by the learned Addl. Sessions Judge-05, South East District, Saket Courts, Delhi in CrI. Appeal No. 456/2019 titled as “*Kanchan Dwivedi versus Satya Prakash Dwivedi and Anr.*” is set aside and the appellant no.1 is acquitted of offences punishable under section 498A of IPC, 1860 and appellant no. 2 is acquitted of offences punishable under section 406 of IPC, 1860.

11. In this view of the matter, the amount lying deposited before the learned Addl. Sessions Judge-05, South East District, Saket Courts, Delhi along with up-to-date accrued interest be released to the respondent No.2 and/ her nominee.

12. The appeal is disposed of accordingly.

13. The next date of hearing i.e. 18.03.2025 stands cancelled.

JASMEET SINGH, J

FEBRUARY 14, 2025 / (MS)

Click here to check corrigendum, if any