



\$~2

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

+ **W.P.(CRL) 216/2023**

RAHUL GARG & ORS.

..... Petitioner

Through:

versus

STATE (GOVT. OF NCT OF DELHI) & ANR. Respondent

Through: Mr. Rahul Tyagi, ASC (CRL.), Mr. Sudeep Raj Saini, Advocate and Mr. Aashish Chojar, Advocate for State
SI Chandirka, PS Kirti Nagar
Mr. Vineet Aggarwal, Mr. Ajay Chawla, Mr. Kunal Chauhan and Mr. Jatin Kumar for Respondent No. 2

%

Date of Decision: 13.04.2023

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

1. The present petition has been filed for quashing of FIR No. 222/2022 registered at PS Kirti Nagar under Section 498A/406/34 IPC. The FIR was lodged on the statement of Radhika Garg alleging that she was married to Rahul Garg on 15.06.2020 and her parents spent a huge amount on the marriage. However, the complainant stated that the accused persons misrepresented themselves and all the petitioners turned out to be greedy persons. It has been alleged that the accused persons started demanding



dowry and demanded a further amount of Rs. 25,00,000/-. Further, respondent no. 2/ complainant also alleged that she was mentally and physically harassed. The allegation of illicit relations has also been made out.

2. Learned counsel for the petitioner submits that while the investigation was underway, the parties amicably settled their dispute. It has been stated that the parties entered into a settlement deed dated 01.10.2022 which was recorded in Mediation Centre, Tis Hazari Courts. Learned Counsel submits that the other proceedings have already been settled as withdrawn. The terms and conditions of the settlement deed dated 01-10-2022 are as under:

“1. It is agreed between the parties that they shall dissolve their marriage by obtaining a decree of divorce by way of mutual consent/ court decree in the concerned court in Delhi.

2. It has been agreed between the parties that the respondent/ husband Mr. Rahul Garg shall pay a total sum of Rs. 35,00,000/- (Rupees thirty five lacs only) to the wife Ms. Radhika Bansal towards full and final settlement of all her claims including Istridhan, maintenance (present, past and future) and permanent alimony etc.

3. That the above said settlement amount shall be paid in the following Manner:-

i) 1installment of Rs. 15,00,000/- (Rupees fifteen lacs only) shall be paid by way of DD/ electronic mode in the name of wife at the time of recording of statements of the parties in first motion which shall be filed within 15 days from today.

ii) 2nd installment of Rs. 13,00,000/- (Rupees thirteen lacs ,d s.only) shall be paid by way of DD/ electronic mode in the name of wife at the time at recording of statements of the parties during second motion which shall be filed in accordance with law.



iii) 3rd installment of Rs. 7,00,000/- (Rupees seven lacs only) shall be paid at the time of quashing of FIR No. 222/22 before the Hon'ble High Court of Delhi. the petition for quashing of present FIR shall be moved by the respondent husband within 30 days after passing of decree of divorce by mutual consent. The complainant/ wife shall cooperate to give statement. affidavit/ NOC and to do all these acts which may be required to be done before concerned Hon'ble High Court for quashing of present FIR.

iv) That the respective parties shall withdraw case u/s 12 DV + Act & Divorce petition as mentioned above from the La. Courts concerned after recording of statements in first motion. However, petition u/s 125 Cr. PC- & civil suit, shall be withdrawn after recording of statements of parties in second motion.

v) It is further agreed between the parties that after this settlement, both the parties shall be left with no right. Title or interest in the movable or immovable properties of each other or their family members and both the parties shall not file any case. complaint or litigation against each other in future pertaining to the present marriage and shall cooperate with each other in execution of present settlement and withdrawal of already filed cases.”

3. Ld. Counsel for the petitioner submits that Rs. 28,00,000/- has already been paid and today petitioner has brought a cheque bearing No. 000865 dated 20.01.2023 drawn on Equitas Small Finance Bank for a sum of Rs. 7,00,000/- which has been handed over to the petitioner No. 2 in court.

4. Respondent no 2/ Complainant is present in person and has duly been identified by the IO. Upon interaction, she has admitted to the factum of settlement between the parties. She stated she has entered into that she wants to put a quietus to the matter without any undue influence, threat, pressure or coercion and out of her own free will. The original affidavit on behalf of



Respondent no 2 is also placed on record with this petition and has stated that in view of the fact that the terms and conditions of the settlement have been complied with, she wants to put a quietus to the matter.

5. Ld. Addl. PP for the State submits that Respondent no 2/Complainant in her statement under Section 164 Cr.P.C. has made serious allegations of gang rape. However, IO submits that the matter is still under investigation and it has been found that no complaint was filed by the complainant regarding the said incident at the relevant time.

6. It is a settled proposition of law that when allegations made are heinous in nature, the Court must be circumspect while quashing FIR as these offences are grave in nature and against society, even when a compromise has been reached. However, I consider that the facts of the present case are peculiar in nature. This is a matter which is arising out of a matrimonial dispute and the parties have amicably settled the same, no fruitful purpose would be served if criminal proceedings are permitted to continue any further.

7. This Court in a plethora of cases has quashed the FIR and consequent proceedings of heinous offences including that of under section 376 of IPC wherein the parties were stated to be either married or in a consensual relationship for several years prior to the registration of the FIR and subsequently arrived at an amicable settlement and the complainant had filed an affidavit supporting the case of the petitioner stating that she does not wish to pursue the complaint.

8. I am convinced that quashing such proceedings on account of compromise would bring about peace and would secure ends of justice. It is



a fit case for quashing.

9. In this view of the matter, there is no reason to continue the proceedings. Accordingly, this petition is allowed and FIR No. 222/2022 is registered at PS Kirti Nagar under Section 498A/406/34 IPC is quashed.

10. The petition stands disposed of.

DINESH KUMAR SHARMA, J

APRIL 13, 2023/kds..

