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

+ **CRL.M.C. 131/2024**

MAMTA DHAWAN

..... Petitioner

Through: Mr Rajnish Kumar, Advocate along
with petitioner in person.

versus

THE STATE GOVT OF DELHI AND ANR

..... Respondents

Through: Mr Raghvinder Varma, APP for the
State with SI Gaurav Yadav, Police
Station Nand Nagri, Delhi.

Mr Amrendra Kumar Singh,
Advocate for R-2 along with R-2 in
person.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

09.01.2024

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CRL.M.A. 543/2024

1. Allowed, subject to all just exceptions.

CRL.M.C. 131/2024

2. The present petition has been filed under Section 482 CrPC seeking quashing of FIR No.591/2016 under Sections 325/341/34 IPC registered at Police Station Nand Nagri, Delhi and all consequential proceedings emanating therefrom on the ground that the parties have arrived at a settlement.

3. Issue notice. The learned APP for the State accepts notice. He submits that since the FIR is an outcome of a matrimonial dispute and the parties



have arrived at a settlement, the State has no objection in case the FIR in question is quashed.

4. The petitioner no.1 (wife), as well as, respondent no. 2 (husband) are present in the Court and they have been identified by their respective counsel and by the Investigating Officer SI Gaurav Yadav, Police Station Nand Nagri, Delhi.

5. The brief facts of the case are that the marriage between the petitioner and respondent no. 2 was solemnized on 24.12.2014 according to Hindu Rites and Customs. No child was born out of the said wedlock.

6. On account of temperamental issues certain disputes arose between the parties and they started living separately w.e.f. 04.01.2016. The dispute between the parties also led to the registration of FIR under Sections 498A/406 IPC at the instance of the petitioner.

7. Subsequently, the subject FIR came to be registered at the instance of the respondent no.2 (husband).

8. During the pendency of the proceedings, the parties have arrived at a settlement, terms whereof were reduced in writing in the form of Settlement dated 27.02.2023, which is annexed as Annexure A-3 to the present petition.

9. It is recorded in the settlement that the parties have mutually agreed to settle their disputes and terminate the litigation pending between them.

10. It is also a term of the settlement that the respondent no.2 shall cooperate with the petitioner for the quashing of the aforesaid FIR.

11. The respondent no.2, on a query put by the Court, states that he has no objection in case the FIR is quashed.

12. At this stage, apt would it be to refer to the observations of the Supreme Court in *Gian Singh v. State of Punjab*, (2012) 10 SCC 303:



(SCC p. 340, para 58)

“58. Where the High Court quashes a criminal proceeding having regard to the fact that the dispute between the offender and the victim has been settled although the offences are not compoundable, it does so as in its opinion, continuation of criminal proceedings will be an exercise in futility and justice in the case demands that the dispute between the parties is put to an end and peace is restored; securing the ends of justice being the ultimate guiding factor.”

13. In view of the settlement between the parties, the ultimate chances of conviction in the case are bleak, therefore, continuation of criminal proceedings will be an exercise in futility.

14. In view of the fact that the parties have arrived at a settlement, no useful purpose will be served in continuing the proceedings, rather the same would create further acrimony between them.

15. It is, thus, in the interest of justice that the present FIR and all the other proceedings emanating therefrom be quashed.

16. Consequently, the petition is allowed and the FIR No.591/2016 under Sections 325/341/34 IPC registered at Police Station Nand Nagri, Delhi alongwith all other proceedings emanating therefrom, is quashed.

17. The petition stands disposed of in the above terms.

18. Order be uploaded on the website of this court.

VIKAS MAHAJAN, J

JANUARY 9, 2024
MK