



\$~84

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

+ **W.P.(CRL) 117/2024**

SAIF ALI AND ORS

..... Petitioners

Through: Mr.Sunil Kumar, Adv.

versus

THE STATE (NCT OF DELHI) AND ANR Respondents

Through: Mr.Yasir Rauf Ansari, ASC

(Criminal), Mr.Alok Sharma,

Mr.Vasu Agarwal, Advs. for R-

1 with ASI Ashok Kumar.

R-2 in person.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **11.01.2024**

CRL.M.A. . 1004/2024 (Exemption)

1. Allowed subject to all just exceptions.

W.P.(CRL) 117/2024

2. This petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 (in short, 'Cr.P.C.') seeking quashing of FIR No.542/2023 registered at Police Station: New Ashok Nagar under Sections 323/342/506/34 of the Indian Penal Code, 1860 (in short, 'IPC') and Section 12 of Protection of Women from Domestic Violence Act, 2005 along with all other proceedings arising therefrom.

3. The learned counsel for the petitioners submits that the FIR was an offshoot of the matrimonial discord between the parties. He submits that the marriage between the petitioner no.1 and the



respondent no.2 has already been dissolved on 08.11.2023 by pronouncing triple talaq and compromise deed was executed on 08.11.2023.

4. The respondent no.2 is present in person and is duly identified by the IO – ASI Ashok Kumar, and she re-affirms the above settlement. She submits that divorce has already taken place between her and the petitioner /husband.

5. In view of the above, and considering the Settlement between the parties, I find that there is no use in continuing with the proceedings of the present FIR as it would rather create further acrimony between the parties, and will be a misuse of the process of the Court and an unnecessary burden on the State exchequer.

6. Keeping in mind the facts of the present case and being guided by the principles enunciated by the Supreme Court in its judgments in ***Gian Singh v. State of Punjab***, (2012) 10 SCC 303 and ***Jitendra Raghuvanshi v. Babita Raghuvanshi***, (2013) 4 SCC 58, this Court deems it appropriate, in the interest of justice, to exercise its inherent powers under Section 482 of the Cr.P.C. to quash the FIR and all the proceedings emanating therefrom.

7. Accordingly, the petition is allowed. Consequently, the FIR No.542/2023 registered at Police Station: New Ashok Nagar under Sections 323/342/506/34 of the Indian Penal Code, 1860 (in short, 'IPC') and Section 12 of Protection of Women from Domestic Violence Act, 2005, and all consequential proceedings emanating therefrom against the petitioners are quashed.

8. Parties shall abide by the terms of the aforesaid settlement.



9. The petition is disposed of in the above terms.

NAVIN CHAWLA, J

JANUARY 11, 2024/Arya/am

Click here to check corrigendum, if any