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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CRL.M.C. 389/2024

ASHISH GAUR

..... Petitioner

Through: Mr. Abhishek Pareek and Mr. V.K. Aggarwal, Advocates alongwith petitioners in person.

versus

STATE OF N.C.T. OF DELHI & ANR.

..... Respondents

Through: Mr. Sunil Kumar Gautam, APP for the State.

W/SI Neelu, PS Bindapur.

R-2 in person alongwith counsel (counsel appearance not given).

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

24.04.2024

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CRL.M.A. 12052/2024 (for filing amended cause title)

1. The present application under Section 482 of the Code of Criminal Procedure, 1973 seeks following prayers:-

“It is therefore, most respectfully prayed before this Hon'ble Court may pleased to:

I. Allow the present application and the Petitioners may kindly be allowed to file the Amended Cause Title of the present Petition along with Amended Memo of Parties;

AND/OR

II. Pass any such order as this Hon'ble court may deem fit and proper in light of the facts and circumstances of the present case and in the interest of justice.”

2. Issue notice.

3. Learned APP for the State accepts notice and fairly does not oppose the present application.



4. The present application is allowed and disposed of accordingly.
5. The amended memo of parties annexed with the present application is taken on record.

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6. The present petition filed under Section 482 of the Cr.P.C. seeks quashing of the FIR No. 210/2023, under Sections 498A/406/34 of the IPC, registered at P.S. Bindapur.
7. The marriage between petitioner no.1/husband and respondent no.2/wife was solemnized on 24.11.2016 as per Hindu rites and ceremonies.
8. No child was born out of the said wedlock.
9. Due to matrimonial differences between petitioner no. 1 and respondent no. 2, the parties started residing separately from 01.11.2021. Subsequently, respondent no.2/complainant lodged an FIR against the petitioners.
10. On 01.04.2023, parties arrived at a settlement before Counselling Cell, Family Courts, South West District, Dwarka, and as per the said settlement deed, petitioner has agreed to pay an amount of Rs. 10,00,000/- to the respondent no.2/wife towards full and final settlement of all her claims including *istridhan*, permanent alimony and maintenance - present, past and future. The copy of the aforesaid settlement deed dated 01.04.2023 is on record (Annexure P-2).
11. In terms of the said settlement, the marriage between the parties stands dissolved by a decree of divorce dated 31.10.2023, passed by Ms. Sarita Birbal, learned Principal Judge, Family Court (South-West), Dwarka Courts, Delhi (Annexure P-7). Further, as per the settlement deed, an amount of Rs. 6,00,000/- has already been paid to respondent no.2 and the



remaining amount of Rs. 4,00,000/- has been paid to her in Court today, by means of a demand draft.

12. Petitioners and complainant/respondent no. 2 are present before the Court and have been duly identified by their respective counsel, as well as the Investigating Officer, W/SI Neelu, PS Bindapur.

13. A demand draft bearing no. 000428 dated 26.03.2024 for Rs. 4,00,000/- drawn on HDFC Bank has been handed over to the complainant/Respondent No.2, who acknowledges the receipt of the same.

14. The complainant/respondent No.2 states that the matter has been settled with the petitioners and she has no objection if the FIR is quashed. She further states that all the terms of the agreement have been complied with.

15. Learned APP for the State submits that investigation in the present FIR is not complete and chargesheet has not been filed. In view of the settlement between the parties, learned APP for the State also has no objection if the present FIR is quashed.

16. In *Gian Singh v. State of Punjab*, (2012) 10 SCC 303, the Hon'ble Supreme Court has recognized the need of amicable resolution of disputes by observing as under:-

“61. ... In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceedings or continuation of criminal proceedings would tantamount to abuse of process of law despite settlement and compromise between the victim and the wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in the affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.”

17. In view of the aforesaid circumstances, and the fact that the parties



have put a quietus to the dispute, no useful purpose will be served in continuing with the present FIR No. 210/2023, under Sections 498A/406/34 of the IPC, registered at P.S. Bindapur.

18. In the interest of justice, the petition is allowed, and the FIR No. 210/2023, under Sections 498A/406/34 of the IPC, registered at P.S. Bindapur, is hereby quashed.

19. Petition is allowed and disposed of accordingly.

20. Pending application(s), if any, also stand disposed of.

AMIT SHARMA, J

APRIL 24, 2024/sn

[Click here to check corrigendum, if any](#)