



\$~68

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

+ **W.P.(CRL) 262/2024**

DEEPAK SINGH AND ORS

..... Petitioners

Through: Mr.Abhishek Gaur and
Mr.Aditya Tyagi, Advs. along
with petitioners in person.

versus

**STATE OF NCT DELHI THROUGH SHO SHAHDARA AND
ANR**

..... Respondents

Through: Mr.Sanjay Lao, SC (Crl.) with
Mr.Abhinav Kumar Arya, Adv.
ASI Khem Chand
Mr.Abhishek Gaur and
Mr.Aditya Tyagi, Advs. for R-2
in person.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

%

24.01.2024

CRL.M.A. 2336/2024

1. Allowed, subject to all just exceptions.

W.P.(CRL) 262/2024

2. This petition has been filed under Article 226 of Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 (in short, 'Cr.P.C.') seeking quashing of FIR No. 100/2023 registered at Police Station: Shahdara, Shahdara District, Delhi under Sections 498A/406/34/506 of the Indian Penal Code, 1860 (in short, 'IPC'), along with all other proceedings arising therefrom, on the basis of a settlement.

3. Issue notice.



4. Notice is accepted by Mr.Sanjay Lao, learned standing counsel on behalf of the State of NCT of Delhi, and Mr. Abhishek Gaur, learned Advocate on behalf of the respondent no.2.

5. The learned counsels for the parties submit that the subject FIR was an offshoot of the matrimonial discord between the parties, that is, the petitioner no. 1 and the respondent no. 2.

6. The learned counsel for the petitioners submits that the parties have amicably resolved all their *inter se* disputes and have entered into a settlement vide Settlement Deed dated 05.07.2023. It is further stated that now, the petitioner no.1 and the respondent no.2 are living together happily and they are also blessed with a son.

7. The respondent no.2, who is present in the Court and has been duly identified by the Investigating Officer (IO), reaffirms that she has settled all the disputes with the petitioners of her own free will and without any coercion. The respondent no.2 submits that she has no objection if the subject FIR is quashed.

8. In view of the above and considering the Settlement between the parties, I find that no useful purpose shall be served in continuing with the proceedings of the present FIR as it would rather create further acrimony between the parties and would be an unnecessary burden on the State exchequer. Guided by the principles enunciated by the Supreme Court in its judgments in ***Jitendra Raghuvanshi v. Babita Raghuvanshi***, (2013) 4 SCC 58, ***Gian Singh v. State of Punjab***, (2012) 10 SCC 303; ***Parbatbhai Aahir @ Parbatbhai Bimsinh Karmur & Ors. v. State of Gujarat & Ors.*** and (2017) 9 SCC 641 and ***State of Haryana & Ors. v. Bhajan Lal & Ors.*** 1992



Supp (1) SCC 3, 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.

9. Accordingly, the petition is allowed. Consequently, the FIR No. 100/2023 registered at Police Station: Shahdara, Shahdara District, Delhi under Sections 498A/406/34/506 of the IPC and all consequential proceedings emanating therefrom *qua* the petitioners, are quashed.

10. However, as regards the rights of the minor child, it is made clear that the rights of the child will not be restricted/compromised on the basis of the aforesaid Settlement and all his legal rights will remain protected and available to him in accordance with law.

11. The petition is allowed in the above terms.

NAVIN CHAWLA, J

JANUARY 24, 2024/ns/AS

Click here to check corrigendum, if any