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

+ **CRL.M.C. 642/2024**

ANGOORI DEVI

..... Petitioner

Through: Mr. Ajay Kumar Tyagi, Ms. Anita
and Mr. Naveen Sirohi, Advocates
with petitioner in person.

versus

THE STATE NCT OF DELHI AND ANR.

..... Respondents

Through: Mr. Sunil Kumar Gautam, APP for
State with SI Shalu, P.S. Kalyanpuri.
Ms. Sonali Gambhir, Advocate for
R-2 with R-2 in person.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

07.02.2024

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1. The present petition filed under Section 482 Cr.P.C. seeks quashing of FIR No. 100/2010, under Sections 498A/406/34 IPC, registered at P.S. Kalyanpuri, Delhi and all other consequential proceedings emanating therefrom, including the chargesheet pending before the Court of Ms. Shahzadi Halima, learned Metropolitan Magistrate, East District, Karkardooma Court, Delhi *qua* the present petitioner.
2. The marriage between Mr. Ajay Kumar, the son of the petitioner and respondent no.2/wife was solemnized on 20.04.2008, as per Hindu rites and ceremonies.
3. No child was born out of the said wedlock.
4. Due to matrimonial differences, Mr. Ajay Kumar, the son of the



petitioner and respondent no. 2 started residing separately since September 2010. Subsequently, respondent no.2/complainant lodged an FIR against her Mr. Ajay Kumar Birla (husband), Smt. Angoori Devi (mother-in-law/petitioner herein), Mr. Shishpal (father-in-law), Mr. Sanjay Birla (brother-in-law/*jeth*), Rakhi (sister-in-law/*jethani*), Ms. Sushma (sister-in-law/*nanad*), Mr. Ashok (brother-in-law/*devar*) and Mr. Rishipal (maternal uncle/*mama*).

5. Learned counsel for the petitioner submits that the latter is the mother-in-law of respondent no.2 and on account of a family dispute present FIR was registered. It is further submitted that during the pendency of the aforesaid proceedings, the parties have arrived at a settlement *vide* settlement deed/MOU dated 10.05.2022 before the Mediation Centre, East District, Karkardooma Court, Delhi. It is further submitted that Mr. Ajay Kumar, the husband of respondent no.2, has since been declared absconder by the learned Metropolitan Magistrate *vide* order dated 26.03.2013 and the other accused persons in FIR namely Sanjay (Jeth), Rakhi (Jethani), Sushma (Nanad), Ashok (Devar) and Rishipal (Mama) have been discharged by the learned Metropolitan Magistrate (Mahila Court)-02, East, Karkardooma, Delhi *vide* order dated 28.10.2021.

6. As per the settlement, the petitioner has agreed to pay an amount of Rs.1,00,000/- to the respondent no.2 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 10.05.2022 is on record (Annexure P-2).

7. In terms of the said settlement, the marriage between Mr. Ajay Kumar (husband) i.e., son of petitioner and respondent no.2/wife stands dissolved



by a decree of divorce dated 14.04.2017, passed ex-parte, by the Higher District & Sessions Judge, District Ghaziabad, U.P. Further, as per the settlement deed, an amount of Rs.1,00,000/- has already been paid to respondent no.2 and the remaining amount of Rs.50,000/- has been paid to her in Court today, by means of a demand draft.

8. Petitioner 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, SI Shalu, P.S. Kalyanpuri.

9. A demand draft bearing no. 030514 dated 05.02.2024 for Rs.50,000/- drawn on UCO Bank, Jain Degree College, Saharanpur, has been handed over to the complainant/Respondent No.2, who acknowledges the receipt of the same.

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

11. In view of the settlement between the parties, learned APP for the State also has no objection if the present FIR is quashed *qua* the present petitioner.

12. 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.”

13. 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. 100/2010, under Sections 498A/406/34 IPC, registered at P.S. Kalyanpuri, Delhi and all other consequential proceedings emanating therefrom, including the chargesheet pending before the Court of Ms. Shahzadi Halima, learned Metropolitan Magistrate, East District, Karkardooma Court, Delhi *qua* the present petitioner.

14. In the interest of justice, the petition is allowed, and the FIR No. 100/2010, under Sections 498A/406/34 IPC, registered at P.S. Kalyanpuri, Delhi and all other consequential proceedings emanating therefrom, including the chargesheet pending the Court of Ms. Shahzadi Halima, learned Metropolitan Magistrate, East District, Karkardooma Court, Delhi, is hereby quashed *qua* the present petitioner.

15. Petition is allowed and disposed of accordingly.

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

AMIT SHARMA, J

FEBRUARY 7, 2024/kct