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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 811/2024**
MR. DESH DEEPAK MONGA & ORS.

..... Petitioners

Through: Mr.Aman Chawla, Adv. along
with petitioners present in
person.

versus

THE STATE (GOVT. OF NCT OF DELHI) & ANR.

..... Respondents

Through: Mr.Satinder Singh Bawa, APP.
Insp. Mahender Pratap & SI
Naveen Kumar, PS Karampura.
Ms.Kirtika Gupta, Adv. for R-2
with respondent no.2 present in
person.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **01.02.2024**

CRL.M.A. 3305/2024 (Exemption)

1. Allowed, subject to all just exceptions.

CRL.M.C. 811/2024

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.106/2017 registered at Police Station: Keshav Puram, North-West District, Delhi, under Sections 498A/406/34 of the Indian Penal Code, 1860 (in short, 'IPC'), along with all other proceedings arising therefrom, on the basis of settlement.

3. Issue notice.



4. Notice is accepted by Mr.Satinder Singh Bawa, learned APP on behalf of the State, and Ms.Kirtika Gupta, learned counsel for the respondent no.2.
5. The learned counsel for the petitioners submits 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. He submits that the parties have amicably settled their *inter se* disputes and have entered into a settlement vide Settlement Agreement dated 02.06.2023. He submits that the Decree of Divorce dated 22.01.2024 has been passed by the learned Judge, Family Courts, North-West District, Rohini Courts, Delhi.
6. The respondent no.2, who is present in Court and has been duly identified by the Investigating Officer (IO), reaffirms the abovementioned settlement and states that she has settled all the *inter se* disputes with the petitioners of her own free will and without any coercion. The respondent no.2 submits that she does not wish to pursue the proceedings emanating from the FIR any further and has no objection if the present FIR is quashed.
7. The learned counsel for the petitioners hands over a Demand Draft of Rs.5,00,000/- (Rupees Five Lakhs Only) to the respondent no.2 as per the terms of the Settlement.
8. I have perused the contents of the FIR and also the settlement between the parties.
9. Keeping in view the fact that the respondent no.2 does not wish to pursue her complaint any further, as also the Settlement arrived at between the parties, I find that no useful purpose shall be served in



continuing with the proceedings of the present FIR as the chances of its success will be rather minuscule and it would rather create further acrimony between the parties and will be an unnecessary burden on the State exchequer.

10. 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 Bhimsinbhai Karmur & Ors. v. State of Gujarat & Ors.* (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.

11. Accordingly, the petition is allowed. FIR No.106/2017 registered at Police Station: Keshav Puram, North-West District, Delhi, under Sections 498A/406/34 of IPC and all consequential proceedings emanating therefrom against the petitioners are quashed.

12. However, as regards the rights of the children born out of the wedlock, it is made clear that the rights of the children will not be restricted/compromised on the basis of the aforesaid Settlement and all their legal rights will remain protected and available to them in accordance with law.

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

NAVIN CHAWLA, J

FEBRUARY 1, 2024/rv

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