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

+ CRL.M.C. 825/2024, CRL M.A. 3327/2024

SH. AMIT KHANNA & ORS.

..... Petitioners

Through: Mr. Ankur Jain & Mr. Aryan Dev
Pandey, Advocates.
Petitioner no. 4 in person.
Petitioners no. 1, 3, 5 and 6 through
VC.

versus

STATE NCT OF DELHI & ANR.

..... Respondents

Through: Mr. Sunil Kumar Gautam, APP for
the State with SI Chetan, P.S.
Begumpur.
Mr. Sunil Dahiya, Advocate for R-2.
R-2 in person through VC.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

22.03.2024

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1. The present petition under Article 227 of the Constitution of India read with Section 482 of the Cr.P.C. seeks quashing of FIR No. 309/2013, under Sections 498A/406/34 of the IPC, registered at P.S. Begumpur and all other consequential proceedings emanating therefrom, including the chargesheet filed and pending before the Court of Ms. Preeti Rajoria, learned Metropolitan Magistrate, Mahila Court, Rohini Courts, New Delhi.
2. The marriage between the petitioner no.1/husband and the respondent



no.2/wife was solemnized on 08.08.2008 as per Hindu Rites and Customs and one female child was born out of the said wedlock.

3. Due to matrimonial differences between petitioner no. 1 and respondent no. 2, the parties resided separately from 12.01.2013. Subsequently, respondent no.2/complainant lodged a complaint against petitioner no. 1 (husband), petitioner no. 3 (sister-in-law), petitioner no. 4 (brother-in-law), petitioner no. 5 (sister-in-law), petitioner no. 6 (brother-in-law) and petitioner no. 2 (mother in law), who has since passed away. Death certificate with regard to the same is on record as Annexure-D.

4. On 11.11.2021, parties arrived at a settlement before Mediation Centre, Rohini District Courts, Delhi and as per the said settlement, petitioner no.1 has agreed to pay an amount of Rs. 12,00,000/- 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.

5. In terms of the said settlement, the marriage between the parties stands dissolved by a decree of divorce dated 26.03.2022, passed by Sh. Sanjay Jindal, Judge, Family Court-03, North District, Rohini Courts, Delhi (Annexure-C). Further, as per the settlement deed, an amount of Rs. 10,00,000/- has already been paid to respondent no.2 and the remaining amount of Rs. 2,00,000/- has been paid to her in Court today, by means of a demand draft. As per the said settlement, custody of the minor child will be with the respondent no. 2.

6. Petitioner no. 4 is present in person, petitioner no. 1, 3, 5, 6 and the complainant appear through video conferencing and have been duly identified by their respective counsel, as well as the Investigating Officer, SI



Chetan, P.S. Begumpur.

7. A Demand Draft bearing no. 382918 dated 15.03.2024 for Rs. 2,00,000/- drawn on State Bank of India has been handed over to Mr. Sunil Dahiya, Advocate for the complainant and the latter acknowledges the receipt of the same.

8. 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 against the petitioners. She further states that all the terms of the settlement have been complied with.

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

10. In *Gian Singh v. State of Punjab* (2012) 10 SCC 303, 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 proceedings.”

11. 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. 309/2013, under Sections 498A/406/34 of the IPC, registered at P.S. Begumpur and all other consequential proceedings emanating therefrom, including the chargesheet filed and



pending before the Court of Ms. Preeti Rajoria, learned Metropolitan Magistrate, Mahila Court, Rohini Courts, New Delhi.

12. In the interest of justice, the petition is allowed, and the FIR No. 309/2013, under Sections 498A/406/34 of the IPC, registered at P.S. Begumpur and all other consequential proceedings emanating therefrom, including the chargesheet filed and pending before the Court of Ms. Preeti Rajoria, learned Metropolitan Magistrate, Mahila Court, Rohini Courts, New Delhi, is hereby quashed.

13. It is however directed that this order shall not come in the way of the minor child in claiming her rights of inheritance, maintenance, educational & marriage expenses, etc. against any of the parties.

14. Petition is allowed and disposed of accordingly.

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

AMIT SHARMA, J

MARCH 22, 2024/bsr