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

+ **W.P.(CRL) 367/2024**

SAURABH BHATIA AND OTHERS

..... Petitioners

Through: Mr. Tarun Arora and Mr. Rahul
Tandon, Advocates alongwith
petitioners no.1 to 3 in person.

versus

THE STATE AND ANOTHER

..... Respondents

Through: Mr. Anand V. Khatri, ASC (Crl.) for
the State with SI Manish and IO/ASI
Vijay, P.S. Kirti Nagar.
Mr. Ravikant Pandey and Mr. M.K.
Saroja, Advocates for complainant/
R-2.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER
15.02.2024

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1. The present petition under Article 226 of Constitution of India read with Section 482 Cr.P.C. seeks quashing of FIR No.574/2022, under Section 498A/406/34 IPC, registered at P.S. Kirti Nagar, New Delhi and all other consequential proceedings emanating therefrom, including the chargesheet filed and pending before the Court of Ms. Shivli Talwar, learned Metropolitan Magistrate, Central District, Tis Hazari Court, New Delhi.
2. The marriage between the petitioner no.1/husband and the respondent no.2/wife was solemnized on 06.05.2011 and one female child namely Ms. Eknor 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 17.09.2016. Subsequently, respondent no.2/complainant lodged a complaint against petitioner no. 1 (husband), petitioner no. 2 (mother-in-law) and petitioner no. 3 (father-in-law).

4. On 02.03.2023, parties arrived at a settlement and as per the said settlement deed (Annexure P-2), petitioner no.1 has agreed to pay an amount of Rs.7,50,000/- to the respondent no.2/wife and Rs.2,000/- per month for the child in Sukanya Samridhi Yojana/scheme till she attains the age of majority, i.e., on 14.08.2032 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 11.08.2023, passed by Shri V.K. Khanna, Principal Judge, Family Courts, West District, Tis Hazari Courts, Delhi (Annexure P-3). Further, as per the settlement deed, an amount of Rs. 4,50,000/- has already been paid to respondent no.2 and the remaining amount of Rs. 3,00,000/- 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 and the petitioner no. 1 will have visitation rights twice a month at some public place as convenient to both the parties.

6. 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, and IO/ASI Vijay, P.S. Kirti Nagar.

7. It is pointed out that as per the settlement agreement, a sum of Rs.2,000/- has to be deposited by the petitioner no. 1 in the scheme by the



name of '*Sukanya Smridhi Yojana*' for the minor daughter up till 14.08.2032 (till she attains the age of 18 years). It is further pointed out that the said money has been deposited till May, 2024. Petitioner no.1 undertakes to continue depositing Rs.2,000/- per month as aforementioned. A Demand Draft bearing no.160847 dated 03.02.2024 for Rs.3,00,000/-, drawn on Indian Bank, Kirti Nagar Branch, New Delhi, in the name of respondent no.2, has been handed over to respondent no.2. Respondent no.2 undertakes to abide by the conditions in the settlement and the said Demand Draft will be converted into an FDR in the name of the minor child.

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.574/2022, under Section 498A/406/34 IPC, registered at P.S. Kirti Nagar, New Delhi and all other consequential proceedings emanating therefrom, including the chargesheet filed and pending before the Court of Ms. Shivli Talwar, learned Metropolitan Magistrate, Central District, Tis Hazari Court, New Delhi.

12. In the interest of justice, the petition is allowed, and the FIR No.574/2022, under Section 498A/406/34 IPC, registered at P.S. Kirti Nagar, New Delhi and all other consequential proceedings emanating therefrom, including the chargesheet filed and pending before the Court of Ms. Shivli Talwar, learned Metropolitan Magistrate, Central District, Tis Hazari Court, 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

FEBRUARY 15, 2024/kct