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

+ W.P.(CRL) 410/2024

SAGAR GAUR & ORS.

..... Petitioners

Through: Mr.Sameer Chandra, Mr.Arnish
Rana, Ms.Poonam Rana, Advs.
with petitioners in person.

versus

STATE OF NCT OF DELHI & ANR. Respondents

Through: Ms.Rupali Bandhopadhyaya, ASC
with Mr.Abhijeet Kumar, Adv.
with PSI Ekta.
Respondent no. 2 in person.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

04.04.2024

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1. This petition has been filed under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 (in short, 'Cr.P.C.'), seeking quashing of FIR No.0654/2022 registered at Police Station: Bindapur, District Dwarka, Delhi, under Sections 498A/406/34 of the Indian Penal Code, 1860 (in short, 'IPC') along with all other proceedings arising therefrom, based on a settlement.

2. 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. She submits that the parties have amicably settled their *inter se* disputes and have entered into a Settlement/Memorandum of Understanding dated 05.09.2023 before the Counselling Cell, Family Court, Dwarka



Courts, Delhi.

3. He submits that pursuant to the above settlement between the parties, the petitioner no.1 and respondent no.2 have obtained divorce by way of mutual consent from the learned Principal Judge, Family Courts, Dwarka, Delhi vide Decree of Divorce dated 04.12.2023.

4. The respondent no.2, who is present in person in Court and has been duly identified by the Investigating Officer (IO), reaffirms the abovementioned settlement and states that she has settled all the disputes with the petitioners out of her own free will and without any coercion. She further submits that certain original documents like passport, Aadhar Card, Election ID and Pan Card are still lying with the petitioner no.1. The petitioner no.1, who is also present in Court, submits that he has searched the whole house and these documents are nowhere to be found in the house.

5. If that be so, the respondent no.2 may get the duplicate copy of these documents from the concerned authorities after following due procedure.

6. As far as the quashing of the FIR is concerned, the respondent no.2 does not dispute that the parties have entered into settlement and she does not have any objection if the present FIR is quashed.

7. The petitioners have handed over a Demand Draft of Rs.8,00,000/- to the respondent no.2 in Court in terms of the settlement.

8. I have perused the terms of the settlement and find the same to be lawful.

9. As the disputes between the parties arose out of a matrimonial



relationship, and now the same have been amicably settled, a Decree of Divorce has also been passed by the learned Family Court pursuant to the settlement, and also looking into the nature of the allegations made in the complaint, in my opinion, no useful purpose would be served in keeping the FIR alive. In fact, 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 335, 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.0654/2022 registered at Police Station: Bindapur, District Dwarka, Delhi, under Sections 498A/406/34 of the IPC, along with all the consequential proceedings emanating therefrom against the petitioners are quashed.

NAVIN CHAWLA, J

APRIL 4, 2024/Arya/ss

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