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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 435/2024**
GAURAV SONI & ORS. Petitioners
Through: **Mr.Raj Kumar, Adv.**

versus

STATE & ANR. Respondents
Through: **Mr.Amol Sinha, ASC(CrI),**
Mr.Kshitiz Garg, Mr.Ashvini
Kumar, Ms.Chavi Lazarus,
Mr.Rahul Kochar, Mr.Arjun
Singh Kadian, Advs. with SI
Manisha.
Mr.Jitto Joseph, Mr.Raj Kumar
Raje, Advs. for R-2.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

% **ORDER**
08.02.2024

CRL.M.A. 3998/2024 (Exemption)

1. Allowed, subject to all just exception.

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2. This petition has been filed under Article 226 of Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 (in short, 'Cr.P.C.') seeking quashing of FIR No.0915/2022 registered at Police Station: Mukerjee Nagar, 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 a settlement.

3. Issue notice.



4. Notice accepted by Mr.Amol Sinha, learned ASC (Crl), and Mr.Jitto Joseph, learned counsel for the respondent no.2.
5. The learned counsel for the petitioners submit 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.
6. The learned counsel for the petitioners submits that the parties have amicably settled their *inter se* disputes and have entered into a settlement vide Settlement Agreement/Compromise dated 27.04.2023.
7. Pursuant to the above Settlement between the parties, the learned Family Court has, vide Decree of Divorce dated 13.10.2023 in HMA No.1247/23 titled as ***Smt.Arti v. Sh.Gaurav Soni***, granted divorce to the parties by mutual consent..
8. The respondent no.2, who is present in person in Court and has been duly identified by the Investigating Officer (IO), affirms the settlement and states that she has settled all the disputes with the petitioner of her own free will and without any coercion. The respondent no.2 submits that she has no objection if the present FIR is quashed.
9. I have perused the contents of the FIR and also the settlement between the parties.
10. 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.

11. Guided by the principles enunciated by the Supreme Court in its judgments in *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.

12. Accordingly, the petition is allowed. FIR No.0915/2022 registered at Police Station: Mukerjee Nagar, North-West District, Delhi, under Sections 498A/406/34 of the IPC and all consequential proceedings emanating therefrom against the petitioners are quashed.

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

NAVIN CHAWLA, J

FEBRUARY 8, 2024/Arya/ss

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