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

+ **CRL.M.C. 1038/2024 & CRL.M.A. 4166/2024 (Exemption)**

CHANDER PRAKASH & ORS.

..... Petitioners

Through: Mr. Saurabh Sharma, Mr. Mayank Barua and Ms. Puja Kumari,
Advocates alongwith P-1 and 5 in person.
P-2,3,4 and 6 through VC.

versus

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

Through: Mr. Sunil Kumar Gautam, APP for the State.
W/SI Alka Sharma, PS Mandir Marg.
SI Kamani Saini, PS Barakhamba Road.
Mr. Manik Sood, Advocate for R-2 alongwith R-2 in person.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

09.02.2024

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1. The present petition filed under Section 482 of the Cr.P.C. seeks quashing of the FIR No. 109/2021, under Sections 498A/406/34 of the IPC, registered at P.S. Barakhamba Road and all other consequential proceedings emanating therefrom, including the chargesheet pending before the court of Ms. Komal Garg, learned Metropolitan Magistrate, Patiala House Courts, Delhi.
2. The marriage between petitioner no.1/husband and respondent no.2/wife was solemnized on 06.05.2019 as per Hindu rites and ceremonies.
3. No child was born out of the said wedlock.



4. Due to matrimonial differences between petitioner no. 1 and respondent no. 2, the parties started residing separately from 20.05.2019. Subsequently, respondent no.2/complainant registered an FIR against petitioner no.1 (husband), petitioner no. 2 (father-in-law), petitioner no. 3 (mother-in-law), petitioner no. 4 (sister-in-law), petitioner no. 5 (brother-in-law) and petitioner no. 6 (sister-in-law).

5. On 02.09.2023, parties arrived at a Memorandum cum Settlement and as per the said settlement deed, petitioner no.1 has agreed to pay an amount of Rs. 5,00,000/- 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. The copy of the aforesaid settlement deed dated 02.09.2023 is on record (Annexure P-3).

6. In terms of the said settlement, the marriage between the parties stands dissolved by a decree of divorce dated 06.02.2024, passed by Shri Harish Kumar, Judge, Family Courts, Patiala House Court, Delhi. Copy of the same has been handed up in Court today and the same is taken on record. Further, as per the settlement deed, an amount of Rs. 3,00,000/- 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 two demand drafts.

7. Petitioners no. 1 and 5 and complainant/respondent no. 2 are present before the Court and petitioners no. 2,3,4 and 6 are present through video conferencing have been duly identified by their respective counsel, as well as the Investigating Officer, SI Kamani Saini, PS Barakhamba Road.

8. Two demand drafts bearing no. 011810 and 011811 dated 07.02.2024 for Rs. 1,00,000/- each drawn on UCO Bank have been handed over complainant/respondent no.2, who acknowledges the receipt of the same.



9. 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. She further states that all the terms of the agreement have been complied with.

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

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

12. 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. 109/2021, under Sections 498A/406/34 of the IPC, registered at P.S. Barakhamba Road and all other consequential proceedings emanating therefrom, including the chargesheet pending before the court of Ms. Komal Garg, learned Metropolitan Magistrate, Patiala House Courts, Delhi.

13. In the interest of justice, the petition is allowed, and the FIR No. 109/2021, under Sections 498A/406/34 of the IPC, registered at P.S. Barakhamba Road and all other consequential proceedings emanating therefrom, including the chargesheet pending before the court of Ms. Komal



Garg, learned Metropolitan Magistrate, Patiala House Courts, Delhi, is hereby quashed.

14. Petition is allowed and disposed of accordingly.

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

AMIT SHARMA, J

FEBRUARY 09, 2024/sn