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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 1104/2024**
RAHUL KUMAR AND OTHERS

..... Petitioners

Through: Mr.Nishant Rajora, Adv.
Petitioners present in person.

versus

THE STATE NCT OF DELHI AND ANR.

..... Respondents

Through: Mr.Shoaib Haider, APP.
SI Sandeep, PS DBG Road.
Respondent no.2 present in
person.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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28.02.2024

1. This petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 (in short, 'Cr.P.C.') seeking quashing of FIR No. 197/2019 registered at Police Station: D.B.G Road, Central 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 settlement.

2. Issue notice.

3. Notice is accepted by Mr.Shoaib Haider, learned APP for the State.

4. 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. He submits that the



parties have amicably settled their *inter se* disputes and have entered into a settlement vide Memorandum of Settlement dated 20.10.2023.

5. He submits that pursuant to the abovementioned settlement, the learned Principal Judge, Family Court, Central District, Tis Hazari Courts, Delhi has granted divorce to the parties, that is, the petitioner no.1 and the Respondent no.2 vide Decree of Divorce dated 30.01.2024 by mutual consent.

6. The respondent no.2, who is present 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. The respondent no.2 submits that she does not wish to pursue the proceedings emanating from the FIR any further and has no objection if the present FIR is quashed.

7. I have perused the contents of the FIR and also the settlement between the parties.

8. Keeping in view the fact that the disputes arose out of a matrimonial discord and that the respondent no.2 does not wish to pursue her complaint any further, as also the Settlement arrived at between the parties, I find that no useful purpose shall be served in continuing with the proceedings of the present FIR as it would create further acrimony between the parties and will be an unnecessary burden on the State exchequer.

9. 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.

10. Accordingly, the petition is allowed. FIR No. 197/2019 registered at Police Station: D.B.G Road, Central District, Delhi under Sections 498A/406/34 of IPC, and all consequential proceedings emanating therefrom against the petitioners are quashed.

NAVIN CHAWLA, J

FEBRUARY 28, 2024/rv/AS

Click here to check corrigendum, if any