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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 1141/2024 & CRL.M.A. 4514/2024
T S SRIRAM & ORS. Petitioners
Through: Mr.S.Rajappa, Adv.

versus

STATE OF NCT OF DELHI THROUGH COMMISSIONER
OF POLICE & ANR. Respondents
Through: Mr.Rohit Sharma, proxy
counsel for R-2 along with R-2
in person.
Mr. Shoaib Haider, APP with
ASI Sanjeev Kumar.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **15.05.2024**

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.317/2017 registered at Police Station: Mandawli Fazal Puri, under Sections 406/498A/34 of the Indian Penal Code, 1860 (in short, 'IPC'), along with all other proceedings arising therefrom, based on a settlement.
2. Issue notice.
3. Notice is accepted by Mr.Shoaib Haider, learned APP for the State and by Mr.Rohit Sharma, proxy counsel for the respondent no.2.
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.



5. 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 dated 03.10.2019, before the Mediation Centre, Karkardooma District Courts, Delhi.
6. Pursuant to the above mentioned settlement, the learned Family Court has been pleased to grant divorce to the parties, that is, the petitioner no.1 and the respondent no.2 by mutual consent *vide* Decree of Divorce dated 12.05.2020.
7. The respondent no.2, who is personally present in Court and has been duly identified by the Investigating Officer (IO), re-affirms the settlement and states that she has settled all the disputes with the petitioners of her own free will and without any coercion. The respondent no.2 submits that she does not have any objection if the present FIR is quashed.
8. I have perused the contents of the FIR and also the settlement arrived at between the parties.
9. As the disputes between the parties arose out of a matrimonial relationship, and now the same have been amicably resolved, and the fact that a Decree of Divorce has already been granted 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, as the chances of its success will be rather minuscule. 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.317/2017 registered at Police Station: Mandawli Fazal Puri, under Sections 406/498A/34 of the IPC and all consequential proceedings emanating therefrom against the petitioners are quashed.

NAVIN CHAWLA, J

MAY 15, 2024

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