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

+ **W.P.(CRL) 497/2024 CRL.M.A. 4532/2024Stay**

MOHIT & ORS.

..... Petitioners

Through: Mr. Vijay, Mr. Gaurav Kr. Meena &
Mr. Ajay Kumar, Advs. with
petitioners in person.

Versus

THE STATE OF NCT OF DELHI & ANR.

..... Respondents

Through: Mr. Rahul Tyagi, ASC (Crl.) with
Ms. Priya Rai, Mr. Sangeet Sibou &
Mr. Jatin, Advs. for State alongwith
ASI Mukesh & SI Ramphal, P.S.
J.P.Kalan.

Mr. Aditya Yadav, Mr. Kuldeep
Yadav & Mr. Vaibhav Chaudhry,
Advs. for R-2 with R-2 in person.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

13.02.2024

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1. The present petition filed under Article 226 of the Constitution of India read with Section 482 of the Cr.P.C. seeks quashing of the FIR No. 26/2023, under Sections 406/498A/34 IPC, registered at P.S. Jaffarpur Kalan and all other consequential proceedings emanating therefrom, including the chargesheet pending before the court of Ms. Abhilasha Singh, learned Chief Metropolitan Magistrate, South-West Dwarka Court, New Delhi.
2. The marriage between petitioner no.1/husband and respondent no.2/wife was solemnized on 17.02.2018 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 20.03.2022. Subsequently, respondent no.2/complainant lodged an FIR against petitioner no.1 (husband), petitioner no. 2 (mother-in-law) and petitioner no. 3 (father-in-law) and petitioner no. 4 (aunt).
5. On 22.05.2023, parties arrived at a settlement and as per the said settlement deed, petitioner no.1 has agreed to pay an amount of Rs. 10,00,000/- along with ornaments 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 22.05.2023 is on record (Annexure P-2).
6. In terms of the said settlement, the marriage between the parties stands dissolved by a decree of divorce dated 08.11.2023, passed by Ms. Sarita Birbal, Judge, Family Courts (HQ), South-West, Dwarka, New Delhi (Annexure P-3). Further, as per the settlement deed, an amount of Rs. 6,00,000/- has already been paid to respondent no.2 and the remaining amount of Rs. 4,00,000/- has been paid to her in court today, by means of a demand draft.
7. Petitioners and complainant/respondent no. 2 are present before the Court and have been duly identified by their respective counsel, as well as the Investigating Officer ASI Mukesh & SI Ramphal, P.S. J.P. Kalan.
8. A demand draft bearing no. 613962 dated 10.01.2024 for Rs. 4,00,000/- drawn on Sarva Haryana Gramin Bank, and Rs. 30,000/- in cash has been handed over to the 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 the FIR No. 26/2023, under Sections 406/498A/34 IPC, registered at P.S. Jaffarpur Kalan and all other consequential proceedings emanating therefrom, including the chargesheet pending before the court of Ms. Abhilasha Singh, learned Chief Metropolitan Magistrate, South-West Dwarka Court, New Delhi.

13. In the interest of justice, the petition is allowed, and the FIR No. 26/2023, under Sections 406/498A/34 IPC, registered at P.S. Jaffarpur Kalan and all other consequential proceedings emanating therefrom, including the chargesheet pending before the court of Ms. Abhilasha Singh, learned Chief



Metropolitan Magistrate, South-West Dwarka Court, New 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 13, 2024/nk