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

+ CRL.M.C. 1310/2024

PRABHAT SINGH & ORS. Petitioners

Through: Mr.Deepanshu Gola, Adv.
(through VC) with petitioner
no.1 in person

versus

GOVT OF NCT OF DELHI & ANR. Respondents

Through: Mr.Shoaib Haider, APP with
W/SI Sajni Devi, SI Sunny
Khatri.

Ms.Manisha, Adv. for R-2 with
R-2 in person.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **22.02.2024**

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.1167/2017 registered at Police Station: Vijay Vihar, Rohini-District, Delhi, under Sections 498A/406/34 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 respondent no.1 and by Ms.Manisha, Advocate, 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 17.10.2023, before the Counselling Cell, Family Courts, North-West District, Rohini 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 30.10.2023.

7. The petitioner no.1, who is personally present in Court, undertakes that the interests of the children shall be protected and shall in no manner be prejudiced by the abovementioned settlement arrived at between the parties.

8. 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.

9. The petitioner no.1 has handed over a Demand Draft of Rs.1,50,000/- to the respondent no.2 in Court.

10. I have perused the contents of the FIR, Charge-Sheet and also the settlement arrived at between the parties.

11. 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.

12. 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.

13. The petitioner no.1 shall remain bound by the aforesaid undertaking. He has also signed this order as a token of his acceptance and consent to the abovementioned undertaking.

14. Accordingly, binding the petitioner to the abovementioned undertaking, the petition is allowed. FIR No.1167/2017 registered at Police Station: Vijay Vihar, Rohini-District, Delhi, under Sections 498A/406/34 of the IPC and all consequential proceedings emanating therefrom against the petitioners are quashed.

NAVIN CHAWLA, J

FEBRUARY 22, 2024/Arya/ss

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