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

+ **CRL.M.C. 1333/2024 & CRL.M.A. 5259/2024 (Exemption)**

MR ANSH MITTAL & ORS.

..... Petitioners

Through: Mr. Pankaj Arya and Ms. Pooja Sharma, Advocates alongwith P-1 to 3 and 5 in person and P-4 through VC.

versus

STATE AND ANR.

..... Respondents

Through: Mr. Sunil Kumar Gautam, APP for the State.

SI Nitesh M., PS Samaipur Badli.

Mr. Prateek B., Mr. Gemini Arora,

Mr. Vishal Bhardwaj, Mr. Mohit and

Mr. Vedpal, Advocates for R-2

alongwith R-2 in person.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

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30.04.2024

1. The present petition filed under Section 482 of the Cr.P.C. seeks quashing of the FIR No. 881/2022, under Sections 498A/406/34 of the IPC, registered at P.S. Samaipur Badli.
2. The marriage between petitioner no.1/husband and respondent no.2/wife was solemnized on 27.01.2019 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 26.02.2022. Subsequently, respondent no.2/complainant lodged an FIR against petitioner no.1 (husband), petitioner no. 2 (father-in-law), petitioner no. 3 (mother-in-



law), petitioner no. 4 (brother-in-law) and petitioner no. 5 (sister-in-law).

5. On 12.04.2023, parties arrived at a settlement before Counselling Cell, Family Court, North Rohini Courts, Delhi, and as per the said settlement deed, petitioner no.1 has agreed to pay an amount of Rs. 15,00,000/- to 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 12.04.2023 is on record (Annexure B).

6. In terms of the said settlement, the marriage between the parties stands dissolved by a decree of divorce dated 11.01.2024, passed by Ms. Nivedita Anil Sharma, Principal Judge, Family Court (North), Rohini Courts, Delhi (Annexure C). Further, as per the settlement deed, an amount of Rs. 12,50,000/- has already been paid to respondent no.2 and the remaining amount of Rs. 2,50,000/- has been paid to her in court today, by means of a demand draft.

7. Petitioners no. 1 to 3 and 5 and complainant/respondent no. 2 are present before the Court and petitioner no. 4 appears through video conferencing and they have been duly identified by their respective counsel, as well as the Investigating Officer, SI Nitesh M., PS Samaipur Badli..

8. A demand draft bearing no. 089318 dated 17.02.2024 for Rs. 2,50,000/- drawn on HDFC Bank 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. Learned APP for the State submits that investigation in the present FIR is pending and chargesheet has not been filed. 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. 881/2022, under Sections 498A/406/34 of the IPC, registered at P.S. Samaipur Badli.

13. In the interest of justice, the petition is allowed, and the FIR No. 881/2022, under Sections 498A/406/34 of the IPC, registered at P.S. Samaipur Badli, is hereby quashed.

14. Petition is allowed and disposed of accordingly.

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

AMIT SHARMA, J

APRIL 30, 2024/sn

Click here to check corrigendum, if any