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

+ **CRL.M.C. 1371/2024**

TARUN KUMAR NAWARIA & ORS. Petitioners

Through: **Mr. Kapil Kumar and Mr. Nitin
Kumar, Advocates.**

versus

STATE GOVT. OF NCT OF DELHI AND ORS..... Respondents

Through: **Mr. Sunil Kumar Gautam, APP for
the State.
SI Soamya Kulhar, PS Tigri.**

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

03.05.2024

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1. The present petition filed under Section 482 of the Cr.P.C. seeks quashing of the FIR No. 312/2021, under Sections 498A/406/34 IPC, registered at P.S. Tigri.
2. The marriage between petitioner no.1/husband and respondent no.3/wife was solemnized on 01.02.2017 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. 3, the parties started residing separately from 05.07.2018. Subsequently, respondent no.3/complainant lodged an FIR against petitioner no.1 (husband), petitioner no. 2 (father-in-law) and petitioner no. 3 (mother-in-law).
5. On 03.11.2023, 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/- to the respondent no.3/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 03.11.2023 has been placed on record.

6. In terms of the said settlement, the marriage between the parties stands dissolved by a decree of divorce dated 21.12.2022, passed by Mr. Paramjit Singh, Principal Judge, Family Court, Saket, South, Delhi. Further, as per the settlement deed, an amount of Rs. 7,00,000/- has already been paid to respondent no.3 and the remaining amount of Rs. 3,00,000/- has been paid to her in court today, by means of a demand draft.

7. Petitioners and complainant/respondent no. 3 are present before the Court and have been duly identified by their respective counsel, as well as the Investigating Officer, S.I. P.S: Tigri. It is pointed out that an affidavit dated 08.04.2024 of the respondent no. 3 has been placed on record whereby, she has given no-objection to the quashing of the present FIR and stated that she has entered into the said settlement out of her own free will and without any coercion, undue influence or pressure from any other person.

8. A demand drafts bearing no. 732712 and 732736 dated 12.02.2024 and 07.03.2024 of Rs. 2,50,000/- and Rs. 50,000/- respectively, both drawn on Punjab National Bank, Khanpur, New Delhi, have been handed over to complainant/Respondent No.3, who acknowledges the receipt of the same.

9. The complainant/respondent No.3 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. 312/2021, under Sections 498A/406/34 IPC, registered at P.S. Tigri.

13. In the interest of justice, the petition is allowed, and the FIR No. 312/2021, under Sections 498A/406/34 IPC, registered at P.S. Tigri, is hereby quashed.

14. The present petition is allowed and disposed of accordingly.

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

AMIT SHARMA, J

MAY 3, 2024/K