



\$~6

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

+ **CRL.M.C. 1386/2024**

KAUSHAL KUMAR KASHYAP & ORS. Petitioners
Through: **Mr. Anuj Jain and Mr. Jai Gaba,**
Advocates.
versus

STATE GOVT. OF NCT OF DELHI AND ANR. Respondents
Through: **Mr. Hemant Mehla, APP for the State.**
SI Raj Pal, PS Budh Vihar.
Mr. Karan Singh Kathayat, Advocate
for R-2. R-2 through VC.

CORAM:
HON'BLE MR. JUSTICE AMIT SHARMA

ORDER
01.04.2024

%

1. The present petition filed Section 482 of the Cr.P.C. seeks quashing of the FIR No. 360/2021, under Sections 498A/406/34 of the IPC, registered at P.S. Budh Vihar.
2. The marriage between petitioner no.1/husband and respondent no.2/wife was solemnized on 16.12.2018 as per Hindu rites and ceremonies.
3. No child was born out of the said wedlock.
4. It is submitted that parties have never resided together as husband and wife at any point in time and they were living at their respective parental houses. Subsequently, respondent no.2/complainant registered an FIR against the petitioners.
5. On 26.05.2023, parties arrived at a settlement and as per the said settlement deed, petitioner no.1 has agreed to pay an amount of Rs. 50,000/- 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 26.05.2023 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 17.10.2023, passed by Ms. RajRani, Judge, Family Court (North-West), Rohini Courts, Delhi (Annexure C). Further, as per the settlement deed, the total amount of Rs. 50,000/- has been paid to her counsel Mr. Karan Singh Kathayat in Court today, by means of a demand draft.

7. Petitioners are present before the Court and complainant/respondent no. 2 through video conferencing and have been duly identified by their respective counsel, as well as the Investigating Officer SI Raj Pal, PS Budh Vihar.

8. A demand draft bearing no. 139599 dated 30.03.2024 for Rs. 50,000/- drawn on Kotak Mahindra Bank, Saraswati Vihar, Delhi has been handed over to Mr. Karan Singh Kathayat, counsel for 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. 360/2021, under Sections 498A/406/34 of the IPC, registered at P.S. Budh Vihar.

13. In the interest of justice, the petition is allowed, and the FIR No. 360/2021, under Sections 498A/406/34 of the IPC, registered at P.S. Budh Vihar, 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 01, 2024/sn

Click here to check corrigendum, if any