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* IN THE HIGH COURT OF DELHI AT NEW DELHI

% Date of Decision: 22.02.2024

+ CRL.M.C. 1454/2024

VARUN NAGPAL & ORS.

..... Petitioners

Through:

versus

STATE NCT OF DELHI AND ANR.

..... Respondents

Through: Ms. Kiran Bairwa, APP for State with
SI Dilsukh, PS KNK Marg.

+ CRL.M.C. 1455/2024

VIJAY NAGPAL & ANR.

..... Petitioners

Through:

versus

STATE NCT OF DELHI AND ANR.

..... Respondents

Through: Ms. Kiran Bairwa, APP for State with
SI Richa, PS Patel Nagar.

+ CRL.M.C. 1456/2024

VARUN NAGPAL & ANR.

..... Petitioners

Through:

versus

STATE GOVT OF NCT DELHI & ANR.

..... Respondents

Through: Ms. Manjeet Arya, APP for State.

Present :

Mr. Mohit Mathur, Sr. Advocate with Mr. Badar
Mahmood, Mr. Mayank Sharma and Mr. Harsh
Gautam, Advocates for Petitioners in all items.
Mr. Roshan Lal Goel and Mr. Bhuvan Goel, Advs.
for Complainant with Complainant-in-person.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA



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J U D G M E N T**ANOOP KUMAR MENDIRATTA, J (ORAL)****CRL.M.As. 5741/2024, 5742/2024 & 5743/2024**

Exemption allowed, subject to just exceptions.

Applications stand disposed of.

CRL.M.C. 1454/2024, CRL.M.C. 1455/2024 & CRL.M.C. 1456/2024

1. (i). CRL.M.C. 1454/2024 under Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been preferred on behalf of Varun Nagpal (husband of respondent no. 2), Vijay Nagpal (father-in-law), Vandana Nagpal (mother-in-law), Ankita Bari (sister-in-law) and Syed Fazal Bari (brother-in-law of petitioner no. 1 Varun Nagpal) for quashing of FIR No. 0096/2023 under Sections 498A/406/506/34 IPC registered at P.S.: K.N. Katju Marg and the proceedings emanating therefrom.

(ii). CRL.M.C. 1455/2024 under Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been preferred on behalf of Vijay Nagpal and Syed Fazal Bari for quashing of FIR No. 0368/2022 under Sections 506/509/34 IPC registered at P.S.: Patel Nagar and the proceedings emanating therefrom.

(iii). CRL.M.C. 1456/2024 under Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been preferred on behalf of Varun Nagpal and Syed Fazal Bari for quashing of FIR No. 0432/2022 under Sections 376/377/34 IPC registered at P.S.: Patel Nagar and the proceedings emanating therefrom. Sections 376(D)/377/323/354/354A/354C/354D/328/509/34 IPC are stated to have been subsequently invoked at the time of filing chargesheet/supplementary chargesheet.

CRL.M.Cs. 1454/2024, 1455/2024 & 1456/2024***Page 2 of 6***



2. Issue notice. Learned APP for the State and learned counsel for respondent no. 2 alongwith respondent no. 2 in person appear on advance notice and accept notice.
3. In brief, as per the case of the petitioners, marriage between Varun Nagpal and respondent no. 2 was solemnized according to Hindu rites and ceremonies on 02.07.2021. No child was born out of the wedlock. Due to temperamental differences, respondent No.2 and Varun Nagpal started living separately since 19.05.2022.
4. On complaint of respondent No.2, FIR No. 368/2022 under Section 506/509/34 IPC was registered at instance of respondent no. 2 at PS Patel Nagar on 25.05.2022. FIR No. 0432/2022 under Sections 376/377/34 IPC was registered against Varun Nagpal and Syed Fazal Bari on 08.07.2022 at P.S. Patel Nagar. Thereafter, FIR No. 0096/2023, under Section 498A/406/506/34 IPC was registered at P.S. K.N. Katju Marg on 03.03.2023.
5. Learned counsel for the petitioner submits that all the three FIRs arise out of matrimonial differences between the parties and petitioner no.1/Syed Fazal Bari in FIR No. 0432/2022 under Section 376(D)/377/323/354/354A/354C/354D/328/509/34 IPC was granted interim protection in the first instance vide order dated 21.07.2022 passed by this Court in BAIL APPL. No. 2188/2022, which continues till date.
6. The matrimonial disputes are stated to have been amicably resolved between the parties in terms of settlement deed dated 12.01.2024. The first motion of divorce by way of mutual consent has been allowed on 29.01.2024 by Learned Principal Judge, Family Courts, Tis hazari Courts and the second motion of divorce is under process.
7. An amount of Rs. 6,00,000/- out of total settlement amount of Rs.



20,00,000/- has been paid to respondent No. 2 through DD No. 520722 dated 21.02.2024, drawn on ICICI Bank, Patel Nagar Branch, Delhi, in favour of respondent No. 2 in lieu of cheque mentioned in the settlement deed. It is agreed between the parties that the balance amount of settlement shall be paid by petitioner No.1 to respondent No. 2 at the time of second motion of divorce.

8. Learned APP for the State submits that in view of amicable settlement arrived between the parties, the State has no objection in case the FIRs in question are quashed.

9. Petitioners as well as respondent No. 2 are present in-person and have been identified by respective IOs of concerned police stations. I have interacted with the parties and they confirm that the matter has been amicably settled between them without any threat, pressure or coercion. Respondent No. 2 also states that nothing remains to be further adjudicated upon between the parties and she has no objection in case the FIRs in question are quashed.

10. Petitioner in the present case seeks to invoke the powers under Section 482 of Code of Criminal Procedure. The same is to be used to secure the ends of justice or to prevent the abuse of process of any Court. In which cases, the power to quash the criminal proceedings or the complaint or FIR may be used when the offender as well as victim have settled their dispute, would depend upon the facts and circumstances of each case and no generalised list or categories can be prescribed. However, the Court is required to give due regard to the nature and gravity of the offence and consider the impact on the society.

11. Also the Court has to make an endeavour to find out if the allegations



have been made in a routine course after the matrimonial differences erupted between the parties or in case commission of any such offence was earlier disclosed at the relevant time when such offence was allegedly committed.

It may be noticed that while granting interim anticipatory bail vide order dated 21.07.2022 in BAIL APPLN. No. 2188/2022, it was brought to the notice of this Court that the allegations relating to offences under Section 376 IPC had never been alleged while registering FIR No. 368/2022 on 25.05.2022 and FIR No. 0432/2022 was only lodged on 08.07.2022, though the incidents allegedly pertained to a prior period. Thus, the complaints/FIRs *prima facie* appear to have arisen owing to matrimonial differences between the parties.

12. Considering the facts and circumstances, since the disputes have been settled between the parties amicably, it may be a futile exercise to continue with the instant proceedings. The parties need to be given an opportunity to further settle down and move ahead in life, in view of amicable resolution of disputes. The continuation of proceedings would be nothing but an abuse of the process of the Court. Consequently, FIR No. 0096/2023 under Sections 498A/406/506/ 34 IPC registered at P.S.: K.N. Katju Marg; FIR No. 0368/2023 under Sections 506/509 IPC registered at P.S.: Patel Nagar; and FIR No. 0432/2022 under Sections 376(D)/377/323/354/354A/354C/354D/ 328/509/34 IPC registered at P.S.: Patel Nagar and the proceedings emanating therefrom, stand quashed. The same is further subject to payment of balance amount to respondent no. 2 in terms of settlement between the parties.

Petitions are accordingly disposed of. Pending applications, if any, also stand disposed of.



A copy of this judgment be forwarded to learned Trial Court for information.

A copy of this judgment be kept in all the connected petitions.

ANOOP KUMAR MENDIRATTA, J.

FEBRUARY 22, 2024/akc