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

+ **CRL.M.C. 1468/2024**

TUSHAR AND ORS

..... Petitioners

Through: Mr. A.N. Aggarwal, Ms. Nupur Sachdeva, Ms. Meenakshi, Ms. Hem Lata Garg & Ms. Sonia, Advocates alongwith petitioners in person.

versus

THE STATE (NCT OF DELHI) & ANR.

..... Respondents

Through: Mr. Sunil Kumar Gautam, APP for the State with SI Seema, P.S. Najafgarh.
Ms. Ritu Beniwal, Mr. Ritik Raj & Mr. Nikhil Saini, Advocates for R-2. Respondent no. 2 through VC.

**CORAM:
HON'BLE MR. JUSTICE AMIT SHARMA**

ORDER
27.02.2024

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1. The present petition under Section 482 of the Cr.P.C. seeks quashing of FIR No. 16/2020, under Sections 498A/406/34 of the IPC, registered at P.S. Najafgarh and all other consequential proceedings emanating therefrom, including the chargesheet filed and pending before the Court of Ms. Divya Yadav, learned Metropolitan Magistrate, Mahila Court, Dwarka Courts, Delhi.
2. The marriage between the petitioner no.1/husband and the respondent no.2/wife was solemnized on 25.01.2015 as per Hindu Rites and Customs



and one male child was born out of the said wedlock.

3. Due to matrimonial differences between petitioner no. 1 and respondent no. 2, the parties resided separately from 24.06.2018. Subsequently, respondent no.2/complainant lodged an FIR against petitioner no. 1 (husband), petitioner no. 2 (mother-in-law), petitioner no. 3 (father-in-law), petitioner no. 4 (brother-in-law) and petitioner no. 5 (brother-in-law).

4. On 19.07.2023, parties arrived at a settlement before Counselling Cell, Family Courts, Dwarka Court, Delhi and as per the said settlement, petitioner no.1 has agreed to pay an amount of Rs. 12,00,000/- 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. A copy of the said settlement is on record (Annexure-P-3). The aforesaid amount has already been paid to respondent no. 2, who acknowledges the receipt of the same.

5. In terms of the said settlement, the marriage between the parties stands dissolved by a decree of divorce dated 25.10.2023, passed by Sh. Vipin Kumar Rai, Judge, Family Court-01, Dwarka, New Delhi (Annexure P-4). As per the said settlement, custody of the minor child will be with the respondent no. 2 and the petitioner no. 1 shall have a right for video conferencing with the minor child once in a month at mutually agreed time. Petitioner no. 1 shall also have visitation rights to meet the minor child once in two months, preferably on the last Sunday of the month between 11:00 AM to 01:00 PM at Vegas Mall, Dwarka.

6. Petitioners are present in Court today and complainant/respondent no. 2 appears through video conferencing and have been duly identified by their respective counsel, as well as the Investigating Officer, SI Seema, P.S.



Najafgarh.

7. 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 against the petitioners. She further states that all the terms of the settlement have been complied with.

8. In view of the settlement between the parties, learned APP for the State also has no objection if the present FIR is quashed.

9. In *Gian Singh v. State of Punjab* (2012) 10 SCC 303, 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 proceedings.”

10. 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. 16/2020, under Sections 498A/406/34 of the IPC, registered at P.S. Najafgarh and all other consequential proceedings emanating therefrom, including the chargesheet filed and pending before the Court of Ms. Divya Yadav, learned Metropolitan Magistrate, Mahila Court, Dwarka Courts, Delhi.

11. In the interest of justice, the petition is allowed, and the FIR No. 16/2020, under Sections 498A/406/34 of the IPC, registered at P.S. Najafgarh and all other consequential proceedings emanating therefrom,



including the chargesheet filed and pending before the Court of Ms. Divya Yadav, learned Metropolitan Magistrate, Mahila Court, Dwarka Courts, Delhi, is hereby quashed.

12. It is however directed that this order shall not come in the way of the minor child in claiming his rights of inheritance, maintenance, educational & marriage expenses, etc. against any of the parties.

13. Petition is allowed and disposed of accordingly.

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

AMIT SHARMA, J

FEBRUARY 27, 2024/bsr