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

+ **W.P.(CRL) 635/2024**

HEMANT KUMAR & ORS.

..... Petitioners

Through: Ms. Mishika Pandita, Advocate
alongwith petitioners in person.

versus

STATE & ANR.

..... Respondents

Through: Ms. Nandita Rao, ASC (Crl.) for the
State with Ms. Anuka Bachawat,
Advocate.
ASI Bhambhu, P.S. Bara Hindu Rao.
Mr. Sanjay Kumar Singh, Advocate
for R-2 alongwith R-2 in person.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

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23.02.2024

CRL.M.A. 5901/2024 (Exemption)

1. Exemption allowed, subject to just exceptions.
2. The application is accordingly disposed of.

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3. The present petition under Article 226 of the Constitution of India read with Section 482 of the Cr.P.C. seeks quashing of FIR No. 159/2022, under Sections 498A/406/34 of the IPC, registered at P.S. Bara Hindu Rao, Delhi.
4. The marriage between the petitioner no.1/husband and the respondent no.2/wife was solemnized on 26.06.2020 as per Hindu Rites and Customs and one male child was born out of the said wedlock.
5. Due to matrimonial differences between petitioner no. 1 and



respondent no. 2, the parties resided separately since December 2020. 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/Jeth), petitioner no. 5 (sister-in-law/Nand) and petitioner no. 6 (sister-in-law/Nand).

6. On 02.11.2023, parties arrived at a settlement before Delhi Mediation Centre, Tis Hazari Courts, Delhi and as per the said settlement, petitioner no.1 has agreed to pay an amount of Rs. 7,70,000/- 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 settlement dated 02.11.2023 is on record at Annexure P-2.

7. In terms of the said settlement, the marriage between the parties stands dissolved by a decree of divorce dated 05.02.2024, passed by Sh. Arun Sukhija, Link Judge, Family Court-02, West, Tis Hazari Courts, Delhi (Annexure P-4). Further, as per the settlement deed, an amount of Rs. 4,70,000/- has already been paid to respondent no.2 and the remaining amount of Rs. 3,00,000/- has been paid to her in Court today, by means of a demand draft. As per the said settlement, permanent custody of the minor child will be with the respondent no. 2 and the petitioner no. 1 will have no visitation rights.

8. Petitioners and complainant/respondent no. 2 are present before the Court and have been duly identified by their respective counsel, as well as the Investigating Officer, ASI Bhambhu, P.S. Bara Hindu Rao.

9. A Demand Draft bearing no. 012968, dated 17.02.2024 for Rs. 3,00,000/- drawn on Union Bank, Punjabi Bagh, Delhi has been handed over to the Complainant/Respondent No.2, who acknowledges the receipt of the



same.

10. 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.

11. Learned Additional Standing Counsel, on instructions, submits that investigation in the present FIR is pending and chargesheet is yet to be filed. In view of the settlement between the parties, learned ASC for the State also has no objection if the present FIR is quashed.

12. 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.”

13. 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. 159/2022, under Sections 498A/406/34 of the IPC, registered at P.S. Bara Hindu Rao, Delhi.

14. In the interest of justice, the petition is allowed, and the FIR No. 159/2022, under Sections 498A/406/34 of the IPC, registered at P.S. Bara Hindu Rao, Delhi, is hereby quashed.

15. 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.

16. Petition is allowed and disposed of accordingly.

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

AMIT SHARMA, J

FEBRUARY 23, 2024/bsr