



\$~54

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

+ **CRL.M.C. 1569/2024**

KHEM CHAND & ORS.

..... Petitioners

Through: Mr. Prateek Prabhakar & Ms. Muskan
Sharma, Advocates alongwith
petitioners in person.

versus

THE STATE THROUGH SHO & ANR.

..... Respondents

Through: Mr. Sunil Kumar Gautam, APP for
the State with SI Pooja, P.S.
Dayalpur.
R-2 in person.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

27.02.2024

%

CRL.M.A. 6125/2024 (Exemption)

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

CRL.M.C. 1569/2024

3. The present petition under Section 482 of the Cr.P.C. seeks quashing of FIR No. 636/2020, under Sections 498A/406/34 of the IPC, registered at P.S. Dayalpur.
4. The marriage between the petitioner no.1/husband and the respondent no.2/wife was solemnized on 09.02.2013 as per Hindu Rites and Customs and one female 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 from 10.08.2019. Subsequently, respondent no.2/complainant lodged an FIR against petitioner no. 1 (husband), petitioner no. 2 (father-in-law), petitioner no. 4 (brother-in-law).

6. On 27.04.2023, parties arrived at a settlement before Family Court, North-East, Karkardooma Courts, Delhi and as per the said settlement, petitioner no.1 has agreed to pay an amount of Rs. 5,00,000/- 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 aforesaid settlement dated 27.04.2023 is on record (Annexure-P3)

7. In terms of the said settlement, the marriage between the parties stands dissolved by a decree of divorce dated 28.11.2023, passed by Sh. Sanjay Sharma-I, Principal Judge, Family Courts, North-East, Karkardooma Courts, Delhi (Annexure P-7). Further, as per the settlement deed, an amount of Rs. 4,00,000/- has already been paid to respondent no.2 and the remaining amount of Rs. 1,00,000/- has been paid to her in Court today, by means of a demand draft. As per the said settlement, custody of the minor child will be with the respondent no. 2 and the petitioner no. 1 will be at liberty to interact with the child on video call once a month.

8. Petitioners and complainant/respondent no. 2 are present before the Court and have been duly identified by the Investigating Officer, SI Pooja, P.S. Dayalpur.

9. A Demand Draft bearing no. 730377, dated 13.02.2024, for Rs. 1,00,000/- drawn on Bank of Baroda, Tri Nagar, 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 APP for the State submits that the present FIR is pending investigation and chargesheet is yet to be filed. In view of the settlement between the parties, learned APP 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. 636/2020, under Sections 498A/406/34 of the IPC, registered at P.S. Dayalpur.

14. In the interest of justice, the petition is allowed, and the FIR No. 636/2020, under Sections 498A/406/34 of the IPC, registered at P.S.



Dayalpur, is hereby quashed.

15. It is however directed that this order shall not come in the way of the minor child in claiming her 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 27, 2024/bsr