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

+ CRL.M.C. 1634/2024 & CRL.M.A. 6323/2024 (Exemption)

TARUN DHIKIA AND ORS & ORS.

..... Petitioners

Through: Mr. Prashant Sharma, Advocate
alongwith petitioners in person.

versus

STATE OF NCT OF DELHI

..... Respondent

Through: Mr. Sunil Kumar Gautam, APP for
the State.

SI Vikas Rathi, PS Sadar Bazar.

Mr. Rohit Sharma, Advocate for R-2
alongwith R-2 in person.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

28.02.2024

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1. The present petition under Section 482 of the Cr.P.C. seeks quashing of FIR No. 930/2022, under Sections 498A/406/34 of the IPC, registered at PS Sadar Bazar, Delhi.
2. The marriage between the petitioner no.1/husband and the respondent no.2/wife was solemnized on 04.12.2005 as per Hindu Rites and Customs and one female 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 08.11.2019. Subsequently, respondent no.2/complainant lodged an FIR against petitioner no. 1 (husband), petitioner no. 2 (father-in-law) and petitioner no. 3 (mother-in-law).
4. On 09.06.2023, parties arrived at a settlement before Delhi Mediation Centre, Rohini Courts, Delhi, and as per the said settlement deed, petitioner



no.1 has agreed to pay an amount of Rs. 4,50,000/- 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 said settlement deed is on record (Annexure-B).

5. In terms of the said settlement, the marriage between the parties stands dissolved by a decree of divorce dated 03.12.2023, passed by Ms. Rajrani, Judge, Family Court, North West, Rohini Courts, Delhi (Annexure C). Further, as per the settlement deed, an amount of Rs. 3,00,000/- has already been paid to respondent no.2 and the remaining amount of Rs. 1,50,000/- has been transacted online on 28.02.2024, i.e., today *vide* Transaction ID 2024022818779835 and complainant/respondent no.2 acknowledges the receipt of the same. As per the said settlement, custody of both the children will be with the petitioner no. 1 and respondent no. 2 will have no visitation rights. As per the settlement, respondent no. 2/wife may meet the children on every 2nd and 4th Saturday of each English calendar month between 5 PM to 7 PM as per convenience of the parties.

6. 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, SI Vikas Rathi, PS Sadar Bazar.

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. Learned APP for the State submits that the investigation in the present FIR is not completed and therefore chargesheet has not been filed. He further submits that in view of the settlement between the parties he 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. 930/2022, under Sections 498A/406/34 of the IPC, registered at PS Sadar Bazar, Delhi

11. In the interest of justice, the petition is allowed, and the FIR No. 930/2022, under Sections 498A/406/34 of the IPC, registered at PS Sadar Bazar, Delhi, New Delhi, is hereby quashed.

12. It is however directed that this order shall not come in the way of the minor child in claiming their 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 28, 2024/sn