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

+ CRL.M.C. 1652/2024 & CRL.M.A. 6374/2024 (Exemption)

HARISH SHAH & ANR.

..... Petitioners

Through: Counsel appearance not given
alongwith petitioners in person.

versus

THE STATE & ANR.

..... Respondents

Through: Mr. Sunil Kumar Gautam, APP for
the State.
Insp. Vikas Malik, PS Mansarowar
Park.
R-2 in person.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

28.02.2024

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1. The present petition filed under Section 482 of the Cr.P.C. seeks quashing of the FIR No. 188/2011, under Sections 498A/406/34 of the IPC and Section 4 of the Dowry Prohibition Act, registered at P.S. Mansarowar Park and all other consequential proceedings emanating therefrom, including the chargesheet pending before the court of Ms. Nidhi Bala, learned Metropolitan Magistrate, Karkardooma Courts, Delhi.
2. The marriage between petitioner no.1/husband and respondent no.2/wife was solemnized on 21.01.2010 as per Hindu rites and ceremonies.
3. No child was born out of the said wedlock.
4. Due to matrimonial differences between petitioner no. 1 and respondent no. 2, the parties started residing separately from 15.08.2010. Subsequently, respondent no.2/complainant registered an FIR against petitioner no.1 (husband) and petitioner no. 2 (mother-in-law) and other in-



laws who are not a party to the present petition.

5. On 08.02.2019, parties arrived at a settlement before the Counselling Cell, Family Court, Karkardooma Courts, Delhi and as per the said settlement deed, petitioner no.1 has agreed to pay an amount of Rs. 7,50,000/- 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 copy of the aforesaid settlement deed dated 08.02.2019 is on record (Annexure P-3).

6. In terms of the said settlement, the marriage between the parties stands dissolved by a decree of divorce dated 16.05.2023, passed by Ms. Sarita Birbal, Principal Judge, Family Court, Shahdara District, Karkardooma Courts, Delhi (Annexure P-4). Further, as per the settlement deed, an amount of Rs. 5,00,000/- has already been paid to respondent no.2 and the remaining amount of Rs. 2,50,000/- has been paid to her in court today, by means of a demand draft.

7. 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, Insp. Vikas Malik, PS Mansarowar Park.

8. Two demand drafts bearing no. 375377 and 375266 dated 02.02.2024 and 19.01.2024 for Rs. 2,15,000/- and 35,000/- respectively drawn on State Bank of India, Dalanwala, Dehradun have been handed over complainant/Respondent No.2, who acknowledges the receipt of the same.

9. 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. She further states that all the terms of the agreement have been complied with.



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

11. In *Gian Singh v. State of Punjab*, (2012) 10 SCC 303, the 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 proceeding.”

12. 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. 188/2011, under Sections 498A/406/34 of the IPC and Section 4 of the Dowry Prohibition Act, registered at P.S. Mansarowar Park and all other consequential proceedings emanating therefrom, including the chargesheet pending before the court of Ms. Nidhi Bala, learned Metropolitan Magistrate, Karkardooma Courts, Delhi.

13. In the interest of justice, the petition is allowed, and the FIR No. 188/2011, under Sections 498A/406/34 of the IPC and Section 4 of the Dowry Prohibition Act, registered at P.S. Mansarowar Park and all other consequential proceedings emanating therefrom, including the chargesheet pending before the court of Ms. Nidhi Bala, learned Metropolitan Magistrate, Karkardooma Courts, Delhi, is hereby quashed.

14. Petition is allowed and disposed of accordingly.



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

AMIT SHARMA, J

FEBRUARY 28, 2024/sn