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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 1653/2024**
ANUKOOL RASTOGI & ORS.

..... Petitioners

Through: Ms.Pallavi Garg, Mr.Ravi Kumar, Ms.Moni Saxena & Ms.Nisha, Advs. along with the petitioners present in person.
Petitioner no.1 present through VC.

versus

THE STATE NCT OF DELHI & ANR.

..... Respondents

Through: Mr.Satinder Singh Bawa, APP.
SI Awadhesh Narayan, PS Rajendra Nagar.
Mr.Rakesh Kumar Singh, Adv. for R-2 with respondent no.2 present in person.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **28.02.2024**

CRL.M.A. 6375/2024 (Exemption)

1. Allowed, subject to all just exceptions.

CRL.M.C. 1653/2024

2. This petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 (in short, 'Cr.P.C.') seeking quashing of FIR No. 0063/2017 registered at Police Station: Rajinder Nagar under Sections 498A/406 of the Indian Penal Code, 1860 (in short, 'IPC'), along with all other proceedings arising therefrom.

3. Issue Notice.

4. Notice is accepted by Mr.Satinder Singh Bawa, learned APP for



the State and Mr.Rakesh Kumar Singh, learned counsel on behalf of respondent no.2.

5. The learned counsel for the petitioners submits that the subject FIR was an offshoot of the matrimonial discord between the parties, that is, the petitioner no.1 and the respondent no.2. He submits that the parties have amicably settled their *inter se* disputes and have entered into a settlement vide Memorandum of Settlement dated 18.01.2024.

6. The petitioner no.1, who appears virtually, undertakes that the settlement arrived at between the parties shall, in no manner, prejudice and rights and the interests of the child born from the wedlock in the properties or assets of the petitioner no.1 and even otherwise.

7. The respondent no.2, who is present in Court and has been duly identified by the Investigating Officer (IO), reaffirms the abovementioned settlement and states that she has settled all the disputes with the petitioners out of her own free will and without any coercion. The respondent no.2 submits that she does not wish to pursue the proceedings emanating from the FIR any further and has no objection if the present FIR is quashed.

8. The learned counsel for the petitioners has handed over a Demand Draft of Rs. 10,00,000/- (Rupees Ten Lakhs Only) to the respondent no.2 as per the terms of the Settlement.

9. I have perused the contents of the FIR and also the settlement between the parties.

10. Keeping in view the fact that the respondent no.2 does not wish to pursue her complaint any further, as also the Settlement arrived at between the parties, I find that no useful purpose shall be served in



continuing with the proceedings of the present FIR as it would create further acrimony between the parties and will be an unnecessary burden on the State exchequer.

11. Guided by the principles enunciated by the Supreme Court in its judgments in *Jitendra Raghuvanshi v. Babita Raghuvanshi*, (2013) 4 SCC 58, *Gian Singh v. State of Punjab*, (2012) 10 SCC 303; *Parbatbhai Aahir @ Parbatbhai Bhimsinbhai Karmur & Ors. v. State of Gujarat & Ors.* (2017) 9 SCC 641; and, *State of Haryana & Ors. v. Bhajan Lal & Ors.* 1992 Supp (1) SCC 335, this Court deems it appropriate, in the interest of justice, to exercise its inherent powers under Section 482 of the Cr.P.C. to quash the FIR and all the proceedings emanating therefrom.

12. The parties shall remain bound by the terms of the settlement.

13. Accordingly, the petition is allowed. FIR No. 0063/2017 registered at Police Station: Rajinder Nagar under Sections 498A/406 of IPC, and all consequential proceedings emanating therefrom against the petitioners are quashed.

14. However, as regards the rights of the child born from the wedlock, it is made clear that the rights of the child will not be restricted/compromised on the basis of the aforesaid Settlement and all her legal rights will remain protected and available to her in accordance with law.

NAVIN CHAWLA, J

FEBRUARY 28, 2024/rv/am

[Click here to check corrigendum, if any](#)