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

+ **CRL.M.C. 1666/2024**

MANOJ KUMAR SHARMA & ANR.

..... Petitioners

Through: Mr. Sameer Ali, Ms. Puja Kesarwani
and Mr. Osama Suhail, Advs.

Versus

STATE (GOVERNEMENT OF NCT OF DELHI) & ANR.

..... Respondents

Through: Mr. Raghuvinder Verma, APP for
State with SI Sanjay Kumar Meena,
PS. Shahdara.

Ms. Meena Gupta, Ms. Renu Khanna
Gupta and Mr. Vaibhav Gussain,
Advs. for R-2.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

28.02.2024

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1. The present petition has been filed under Section 482 CrPC seeking quashing of FIR No.467/2017 under Sections 451/323/506/34 IPC registered at Police Station Shahdara and all consequential proceedings emanating therefrom on the ground that the parties have arrived at a settlement.
2. Issue notice. The learned APP for the State accepts notice. He submits that since the FIR is an outcome of a matrimonial dispute and the parties have arrived at a settlement, the State has no objection in case the FIR in question is quashed.
3. The petitioner no.1 (brother-in-law of respondent no.2) and the petitioner no.2 (sister-in-law of respondent no.2) have joined through VC, whereas the respondent no. 2 is present in the Court. They have been identified by their respective counsel and by the Investigating Officer SI Sanjay Kumar Meena, PS. Shahdara.



4. The brief facts of the case are that the marriage between the brother of petitioner no.1 and respondent no. 2 was solemnized on 03.11.2003 according to Hindu Rites and Customs. Out of the said wedlock, one son namely Ansh was born on 08.08.2004, who has attained majority and one daughter namely Ananaya was born on 03.05.2007, who is presently in the care and custody of respondent no.2.

5. On account of temperamental issues certain disputes arose between the parties and they started living separately w.e.f. 03.08.2017. The dispute between the parties also led to the registration of present FIR.

6. During the pendency of the proceedings, the parties had arrived at a settlement, terms whereof were reduced in writing in the form of Memorandum of Understanding/ Settlement dated 07.10.2023, which is annexed as Annexure P-3 to the present petition.

7. In terms of the said settlement, the parties decided to dissolve their marriage by filing a petition for divorce by way of mutual consent. Accordingly, the brother of the petitioner no.1 (Sunil Sharma) and the respondent no.2 have obtained a decree of divorce *vide* judgment dated 03.01.2024, which is annexed as Annexure P-6 to the present petition.

8. The learned counsel for the parties submits that in terms of the said settlement, the husband of the respondent no.2 had to execute the Transfer Deed/Relinquishment Deed with regard to the property comprised in Khasra No.-393 (Kha) Rakba, Moza Johdi Village Pargana PachwaDoon, District Dehradun, having area 100 sq. yards (83 sq.mtrs.) in favour of his daughter namely Ananaya. It is submitted that the said Gift Deed *qua* the said property has already been executed by the husband of the respondent no.2 in favour of their daughter.



9. The execution of aforesaid Gift Deed is acknowledged by the respondent no.2, who is present in court.

10. The respondent no.2, on a query put by the Court, states that she has no objection in case the FIR is quashed.

11. At this stage, apt would it be to refer to the observations of the Supreme Court in *Gian Singh v. State of Punjab*, (2012) 10 SCC 303: (SCC p. 340, para 58)

“58. Where the High Court quashes a criminal proceeding having regard to the fact that the dispute between the offender and the victim has been settled although the offences are not compoundable, it does so as in its opinion, continuation of criminal proceedings will be an exercise in futility and justice in the case demands that the dispute between the parties is put to an end and peace is restored; securing the ends of justice being the ultimate guiding factor.”

12. In view of the settlement between the parties, the ultimate chances of conviction in the case are bleak, therefore, continuation of criminal proceedings will not serve any useful purpose and it will be an exercise in futility.

13. It is, thus, in the interest of justice that the present FIR and all the other proceedings emanating therefrom be quashed.

14. Consequently, the petition is allowed and the FIR No.467/2017 under Sections 451/323/506/34 IPC registered at Police Station Shahdara alongwith all other proceedings emanating therefrom, is quashed.

15. The petition stands disposed of in the above terms.

16. Order be uploaded on the website of this court.

VIKAS MAHAJAN, J

FEBRUARY 28, 2024/dss