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

+ **W.P.(CRL) 703/2024**

JITENDER SAHNI AND ORS

..... Petitioners

Through: Mr.A.K. Trivedi, Mr.Vaibhav
Trivedi and Mr.Yash Jangra,
Advts. along with P-1 to P-4 in
person

Versus

THE STATE N.C.T OF DELHI & ANR

..... Respondents

Through: Ms.Rupali Bandhopadhy, ASC
(Crl.) with SI Suresh Kumar
Respondent no.2 in person

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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29.02.2024

CRL.M.A. 6551/2024 (Exemption)

1. Allowed, subject to all just exceptions.

W.P.(CRL) 703/2024

2. This petition has been filed under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 (in short, 'Cr.P.C.') seeking quashing of FIR No.0988/2015 registered at Police Station: New Usman Pur, North-East District, Delhi under Sections 498A/406/34 of the Indian Penal Code, 1860 (in short, 'IPC') and Section 4 of the Dowry Prohibition Act, 1961 (in short, 'DP Act'), along with all other proceedings



arising therefrom, based on a settlement.

3. Issue notice.

4. Notice is accepted by Ms.Rupali Bandhopadhyia, learned ASC (Crl.) for the respondent no.1, and the Respondent no.2, who appears in person.

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 complainant, who is the daughter of the respondent no.2. Unfortunately, the Complainant died in a motor vehicular accident in the month of September, 2022.

6. The learned counsel for the petitioners submits that the parties, that is, the petitioner no.1 and the respondent no.2, have amicably settled their *inter se* disputes and have entered into a settlement vide Settlement Agreement dated 17.10.2023 before the Counselling Cell, Family Courts, North-East District, Karkardooma Courts, Delhi.

7. The petitioner no.1, who is personally present in Court, undertakes that the abovementioned settlement that has been arrived at between the parties shall in no manner jeopardise or prejudice the rights and interests of the children in the property of the petitioner no.1.

8. The entire amount under the abovementioned settlement has been paid and receipt thereof is duly acknowledged by the respondent no.2, who is personally present in Court and has been duly identified by the Investigating Officer (IO). The Respondent no.2 re-affirms the settlement and states that he has settled all the disputes with the petitioners of his own free will and without any coercion. The



respondent no.2 submits that he does not have any objection if the present FIR is quashed

9. I have perused the contents of the FIR, Charge-Sheet and also the settlement arrived at between the parties.

10. As the disputes between the parties arose out of a matrimonial relationship, and now the same have been amicably resolved. Looking into the nature of the allegations made in the complaint, in my opinion, no useful purpose would be served in keeping the FIR alive, as the chances of its success will be rather minuscule. In fact, it would rather 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 petitioner no.1 shall remain bound by the aforesaid undertaking. He has also signed this order as a token of his acceptance and consent to the abovementioned undertaking.

13. Accordingly, binding the petitioner no.1 to the abovementioned undertaking, the petition is allowed. FIR No.0988/2015 registered at Police Station: New Usman Pur, North-East District, Delhi under



Sections 498A/406/34 of the IPC and Section 4 of the DP Act and all consequential proceedings emanating therefrom against the petitioners are quashed.

NAVIN CHAWLA, J

FEBRUARY 29, 2024/ns/ss

Click here to check corrigendum, if any