



\$~9

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 1819/2024 & CRL.M.A. 6930/2024**
RAJU & ORS.

..... Petitioners

Through: Mr.Jai Prakash, Adv. (through
VC)

versus

THE STATE GOVT. OF NCT OF DELHI & ANR.

..... Respondents

Through: Mr.Satinder Singh Bawa, APP.
SI Satyaveer Singh, Ps Dabri.
Respondent no.2 present in
person (through VC)

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

%

21.03.2024

1. 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.400/2009 registered at Police Station: Dabri under Sections 498A/34 of the Indian Penal Code, 1860 (in short, 'IPC'), along with all other proceedings arising therefrom, on the basis of settlement.
2. 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. The parties have executed a Settlement Deed/Memorandum of Understanding dated 15.02.2024, wherein they state that they are living together.
3. On 04.03.2024, the following order was passed by this court:-

"2. The respondent no.2 has joined the proceedings through video conferencing. It does not appear that she was very happy with having the FIR quashed by consent.

3. The Investigating Officer (IO) will



contact her and find out if the consent has been given voluntarily and without any coercion and whether the petitioner no.1 and the respondent no.2 are living together as husband and wife as has been claimed in the petition.”

4. A verification report dated 20.03.2024, has now been filed by the SHO Police Station: Dabri, Delhi, which states that the respondent no. 2 was contacted and she stated that she is living with the petitioner no. 1 for the last ten years and has four children from the wedlock. The statements of the neighbours were also recorded by the Investigating Officer (IO), who stated that they have not seen the petitioner no. 1 and the respondent no. 2 fighting and they have been living together happily.

5. The respondent no. 2 stated that she had a doubt that in case the present FIR is quashed, petitioner no. 1 may change his behaviour and may mistreat her.

6. The respondent no.2 is present in person (through VC) and has been duly identified by the IO. The Respondent no.2 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.

7. I have perused the contents of the FIR and considered the submissions made.

8. As the disputes between the parties arose out of a matrimonial relationship, and now the same have been amicably settled and the



petitioner no.1 and the respondent no.2 are residing together happily, and also 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. In fact, it would rather create further acrimony between the parties and will be an unnecessary burden on the State exchequer. The continuation of the proceedings would rather act as a hindrance in the happy married life of the petitioner no.1 and the respondent no.2.

9. 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.

10. Accordingly, the petition is allowed. FIR No.400/2009 registered at Police Station: Dabri under Sections 498A/34 of IPC, and all consequential proceedings emanating therefrom against the petitioners are quashed.

NAVIN CHAWLA, J

MARCH 21, 2024/rv/ss

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