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

+ **CRL.M.C. 1926/2024**

DR. PRASHANT PATHAK & ORS. Petitioners

Through: Mr. Vijay Sharma, Adv. with
petitioners in person.

versus

THE STATE NCT OF DELHI & ANR. Respondents

Through: Mr. Satinder Singh Bawa, APP for
State with ASI Vishal, P.S. Kalyan
Puri.
Mr. Ajay Sharma, Adv. for R-2 with
R-2 in person.

CORAM:
HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

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07.03.2024

CRL.M.A. 7365/2024 (Exemption)

1. Exemption allowed, subject to just exceptions.
2. The application is accordingly disposed of.

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3. The present petition filed under Section 482 Cr.P.C. seeks quashing of FIR No. 877/2023, under Sections 498A/406/34 IPC, registered at P.S. Kalyan Puri.
4. The marriage between petitioner no.1/husband and respondent no.2/wife was solemnized on 13.02.2006 as per Hindu rites and ceremonies.
5. No child was born out of the said wedlock.



6. Due to matrimonial differences between petitioner no. 1 and respondent no. 2, started residing separately from 05.03.2019. Subsequently, respondent no.2/complainant lodged an FIR against petitioner no.1 (husband), petitioner no. 2 (mother-in-law) and petitioner no. 3 (sister-in-law)

7. On 15.12.2023, parties arrived at a settlement and as per the said settlement deed, petitioner no.1 has agreed to pay an amount of Rs. 1,00,00,000/- 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 15.12.2023 is on record (Annexure P-4).

8. In terms of the said settlement, the marriage between the parties stands dissolved by a decree of divorce dated 23.11.2022, passed by Shri Raj Kumar Tripathi, Judge, Family Court (West), Tis Hazari Courts, Delhi (Annexure A-5). Further, as per the settlement deed, an amount of Rs. 75,00,000/- has already been paid to respondent no.2 and the remaining amount of Rs. 25,00,000/- has been paid to her in court today, by means of a demand draft.

9. 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, ASI Vishal, P.S. Kalyan Puri..

10. A demand draft bearing no. 189732 dated 20.02.2024 for Rs. 25,00,000/- drawn on State Bank of India has been handed over to the complainant/Respondent No.2, who acknowledges the receipt of the same.

11. 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.

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

13. 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.”

14. 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. 877/2023, under Sections 498A/406/34 IPC, registered at P.S. Kalyan Puri.

15. In the interest of justice, the petition is allowed, and the FIR No. 877/2023, under Sections 498A/406/34 IPC, registered at P.S. Kalyan Puri, is hereby quashed.

15. Petition is allowed and disposed of accordingly.

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

AMIT SHARMA, J

MARCH 7, 2024/nk