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

+ **W.P.(CRL) 806/2024**

SUNIL KUMAR & ANR.

..... Petitioners

Through: Mr. Deepak Kumar & Mr. Arvind
Kumar, Advocates alongwith P-1 in
person.

versus

STATE NCT OF DELHI & ANR.

..... Respondents

Through: Mr. Sanjay Lao, Standing Counsel for
the State with Mr. Abhinav Kumar
Arya & Ms. Priyam Aggarwal,
Advocates.
SI Sumit Dahiya, P.S. Aman Vihar.
Mr. Kuldeep & Mr. Rahisuddin,
Advocates for R-2 alongwith R-2 in
person.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

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11.03.2024

CRL.M.A. 7547/2024(Exemption)

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

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3. The present petition under Article 226 of the Constitution of India read with Section 482 of the Cr.P.C. quashing of FIR No. 1132/2018, under Sections 498A/406/34 of the IPC, registered at P.S. Aman Vihar and all other consequential proceedings emanating therefrom, including the



chargesheet pending before the Court of Ms. Preeti Rajoria, learned Metropolitan Magistrate, Mahila Court (North-West), Rohini Courts, Delhi.

4. The marriage between petitioner no.1/husband and respondent no.2/wife was solemnized on 18.04.2017 as per Hindu rites and ceremonies. No child was born out of the said wedlock.

5. Due to matrimonial differences between petitioner no. 1 and respondent no. 2, the parties started residing separately from 18.07.2017. Subsequently, respondent no.2/complainant lodged an FIR against petitioner no.1 (husband) & petitioner no. 2 (brother-in-law).

6. On 26.11.2022, parties arrived at a settlement before Family Courts, North-West, Rohini and as per the said settlement, petitioner no.1 has agreed to pay an amount of Rs. 3,30,000/- 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 dated 26.11.2022 is on record (Annexure P-2).

7. In terms of the said settlement, the marriage between the parties stands dissolved by a decree of divorce dated 03.07.2023, passed by Ms. Rajrani, Judge, Family Court, North-West, Rohini, Delhi (Annexure P-4). Further, as per the settlement, an amount of Rs. 2,30,000/- has already been paid to respondent no.2 and the remaining amount of Rs. 1,00,000/- has been paid to her in Court today.

8. Petitioner no. 1 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, SI Sumit Dahiya, P.S. Aman Vihar.

9. On an oral request on behalf of the petitioners on the ground that petitioner no. 2 is present in Nepal and on account of some technical



problem, he could not appear through video conferencing, personal appearance of petitioner no. 2 is exempted.

10. Remaining amount of Rs. 1,00,000/- has been paid in Cash to respondent no. 2 in Court today, 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 Standing Counsel (Crl.) 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. 1132/2018, under Sections 498A/406/34 of the IPC, registered at P.S. Aman Vihar and all other consequential proceedings emanating therefrom, including the chargesheet pending before the Court of Ms. Preeti Rajoria, learned Metropolitan



Magistrate, Mahila Court (North-West), Rohini Courts, Delhi.

15. In the interest of justice, the petition is allowed, and FIR No. 1132/2018, under Sections 498A/406/34 of the IPC, registered at P.S. Aman Vihar and all other consequential proceedings emanating therefrom, including the chargesheet pending before the Court of Ms. Preeti Rajoria, learned Metropolitan Magistrate, Mahila Court (North-West), Rohini Courts, Delhi, is hereby quashed.

16. Petition is allowed and disposed of accordingly.

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

AMIT SHARMA, J

MARCH 11, 2024/bsr