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

+ CRL.M.C. 2036/2024

SH VIRENDER SHARMA & ORS.

..... Petitioners

Through: Mr. Rishi Vohra, Adv. with  
petitioners in person.

versus

STATE NCT OF DELHI & ANR.

..... Respondents

Through: Mr. Raj Kumar, APP for State with SI  
Ntiamelnea PS Geeta Colony

**CORAM:**

**HON'BLE MR. JUSTICE VIKAS MAHAJAN**

**ORDER**

**02.05.2024**

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1. The present petition has been filed under Section 482 CrPC seeking quashing of FIR No.351/2018 under Sections 498A/406/34 IPC registered at Police Station Geeta Colony and all consequential proceedings emanating therefrom on the ground that the parties have arrived at a settlement.
2. Notice was issued by this Court *vide* order dated 13.03.2024. The IO was also directed to inform the respondent no. 2 about the filing of the present petition as well as the next date.
3. The IO, who is present in Court, states that she has informed the respondent no. 2 but she is not interested in coming to the Court. She stated that she is not feeling well.
4. Further, the learned APP for the State, on instructions from the IO, who is present in Court states that the entire payment in terms of the



settlement recorded by the Mediation Centre Karkardooma has also been paid.

5. However, the petitioner no. 1 (former husband), petitioner nos. 2 – 5, who are close relatives of petitioner no. 1 are present in Court and they have been identified by the learned counsel for the petitioner, as well as, by the IO SI Ntiamelnea PS Geeta Colony.

6. The brief facts of the case are that the marriage between the petitioner no.1 and respondent no. 2 was solemnized on 02.03.2006 according to Hindu Rites and Customs. Out of the said wedlock, one male child, namely, Dhruv Sharma was born.

7. On account of temperamental issues certain disputes arose between the parties and they started living separately w.e.f. 17.03.2017. The dispute between the parties also led to the registration of present FIR.

8. During the pendency of the proceedings, the parties were referred to Delhi Mediation Centre, Karkardooma Courts, Delhi where they arrived at a settlement, terms whereof were reduced in writing in the form of Settlement dated 30.04.2022, which is annexed as Annexure P2 to the present petition.

9. 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 petitioner no.1 and respondent no.2 have obtained a decree of divorce dated 25.01.2023, which is annexed as Annexure P3 to the present petition.

10. It is a term of the settlement between the parties that the petitioner no.1 shall pay a total sum of Rs.15,50,000/- to the respondent no.2 towards full and final settlement of all her claims on account of *streedhan*, permanent alimony, dowry articles, maintenance (past, present and future)



etc. The said amount has already been paid by the petitioner no. 1 to the respondent no. 2 and this fact is also affirmed by the IO, who is present in Court.

11. The notice was sent to the respondent no. 2 and she has also been informed by the IO but the respondent no. 2 has chosen not to appear in the Court.

12. At this stage apt it would be to rely upon the decision of the Hon'ble Supreme Court in ***Ruchi Agarwal vs. Amit Kumar Agrawal, (2005) 3 SCC 299***, in which in an almost similar situation, the Court had quashed a criminal proceeding against the husband, observing:

*“8. ... Therefore, we are of the opinion that the appellant having received the relief she wanted without contest on the basis of the terms of the compromise, we cannot now accept the argument of the learned counsel for the appellant. In our opinion, the conduct of the appellant indicates that the criminal complaint from which this appeal arises was filed by the wife only to harass the respondents.*

*9. In view of the abovesaid subsequent events and the conduct of the appellant, it would be an abuse of the process of the court if the criminal proceedings from which this appeal arises is allowed to continue.”*

13. Considering the fact that the parties have arrived at a settlement before the Delhi Mediation Centre, Karkardooma Courts, Delhi and the factum of settlement, as well as, payment of entire settlement amount by the petitioner no. 1 to respondent no. 2 has also been confirmed by the IO, there does not appear to be any impediment in the quashing of aforesaid FIR.

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



15. Consequently, the petition is allowed and the FIR No.351/2018 under Sections 498A/406/34 IPC registered at Police Station Geeta Colony alongwith all other proceedings emanating therefrom, is quashed.
16. The petition stands disposed of in the above terms.
17. Order be uploaded on the website of this court.

**VIKAS MAHAJAN, J**

**MAY 2, 2024**  
**N.S. ASWAL**