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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
(16)+ CRL.M.C. 1365/2022
(17) CRL.M.C. 1366/2022
ARUN KUMAR

..... Petitioner
Through: Mr.Parminder Singh Goindi,
Adv. along with petitioner in
person.

versus

THE STATE (GNCT OF DELHI) & ANR.

..... Respondents
Through: Mr.Shoaib Haider, APP.
W/SI Roshni Sharma, PS
Nanak Pura.
Ms.Jyoti Dwivedi, Adv. for
complainant along with
complainant present in person.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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25.01.2024

CRL.M.A. 30942/2023 in CRL.M.C. 1365/2022

1. This application has been filed by the petitioner seeking early hearing of the petition.
2. For the reasons stated in the application, the same is allowed and the petition is taken up for hearing today.

CRL.M.C. 1365/2022

CRL.M.C. 1366/2022

3. These petitions have been filed under Section 482 of the Code of Criminal Procedure, 1973 (in short, 'Cr.P.C.') seeking quashing of



FIR No.0046/2018 registered at Police Station: Dwarka South, Delhi under Sections 323/341/506/509 of the Indian Penal Code, 1860 (in short, 'IPC'); and FIR No.0118/2017 registered at Police Station: CWC, Nanakpura, Delhi under Sections 498A/406/34 of the IPC, along with all other proceedings arising therefrom, on the basis of a settlement.

4. The learned counsel for the petitioner submits that the subject FIR was an offshoot of the matrimonial discord between the parties, that is, the petitioner and the respondent no. 2. He submits that the parties have amicably settled all their *inter se* disputes and have entered into a Mutual Settlement / Agreement dated 12.12.2019. Pursuant to the above settlement between the parties, the learned Family Court, vide order dated 05.11.2020, has passed a decree of divorce by mutual consent. The learned counsel for the petitioner hands over a cheque of Rs.2,70,000/- (Rupees Two Lakhs Seventy Thousand Only) to the learned counsel for respondent no.2 in terms of the Settlement Agreement.

5. The respondent no.2 is present in person and has been duly identified by the Investigating Officer (IO). The respondent no.2 affirms that she has settled all the disputes with the petitioner of her own free will and without any coercion. The respondent no.2 submits that she has no objection if the present FIR is quashed.

6. I have perused the contents of the FIR and also the settlement entered into between the parties. As the disputes between the parties arose out of a matrimonial relationship, and now the same have been amicably settled, a decree of divorce has also been passed by the



learned Family Court pursuant to the settlement, 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.

7. Guided by the principles enunciated by the Supreme Court in its judgments in *Gian Singh v. State of Punjab*, (2012) 10 SCC 303; *Parbathai Aahir @ Parbatbhai Bimsinh Karmur & Ors. v. State of Gujarat & Ors.*, (2017) 9 SCC 641 and *State of Haryana & Ors. v. Bhajan Lal & Ors.* 1992 Supp (1) SCC 3, 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 two abovementioned FIRs and all the proceedings emanating therefrom.

8. Accordingly, the petitions are allowed. FIR No.0046/2018 registered at Police Station: Dwarka, South, Delhi under Sections 323/341/506/509 of the IPC; and FIR No.0118/2017 registered at Police Station: CWC, Nanakpura, Delhi under Sections 498A/406/34 of the IPC, and all consequential proceedings emanating therefrom against the petitioner, are quashed.

9. *Dasti.*

NAVIN CHAWLA, J

JANUARY 25, 2024/rv/ss

Click here to check corrigendum, if any