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

+ CRL.M.C. 2117/2024

NIKHIL SHARMA & ORS.

..... Petitioners

Through: Mr. Rajat Srivastav & Mr. Mohd. Jarjish, Advocates alongwith petitioners in person.

versus

THE STATE OF GOVT. OF NCT OF DELHI & ANR.

..... Respondents

Through: Mr. Sunil Kumar Gautam, APP for the State with SI Rahul Tomar, P.S. Gandhi Nagar.
Mr. Aman Durga, Advocate for R-2 alongwith respondent no. 2 in person.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

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15.03.2024

1. The present petition under Section 482 of the Cr.P.C. seeks quashing of FIR No. 83/2019, under Sections 498A/406/34 of the IPC, registered at P.S. Gandhi Nagar, Delhi and all other consequential proceedings emanating therefrom, including the chargesheet filed and pending before the Court of Ms. Rishika Srivastava, learned Metropolitan Magistrate, Mahila Court, East, Karkardooma Courts, Delhi.
2. The marriage between the petitioner no.1/husband and the respondent no.2/wife was solemnized on 28.01.2016 as per Hindu Rites and Customs and one male child was born out of the said wedlock.
3. Due to matrimonial differences between petitioner no. 1 and



respondent no. 2, the parties resided separately from 13.01.2017. Subsequently, respondent no.2/complainant lodged a complaint against petitioner no. 1 (husband), petitioner no. 2 (mother-in-law), petitioner no. 3 (sister-in-law) and petitioner no. 4 (brother-in-law).

4. The marriage between the parties was dissolved *vide* decree dated 15.02.2023, passed by learned Judge, Family Court, Tis Hazari Court, (Central District) in HMA No. 599/2017. The said decree was challenged by respondent no. 2 before this Court *vide* MAT. APP. (F.C.) 133/2023. The said appeal was disposed of by the learned division Bench of this Court *vide* judgment dated 15.09.2023, whereby the order dissolving the marriage between the parties was not interfered with. Further, the terms of the settlement arrived at between the parties were also recorded in the said judgment dated 15.09.2023. It was observed and held as under:

“2. The parties are present in person with their respective counsel. We have interacted with the parties and the parties have mutually agreed to settle *inter se* disputes. The respondent/husband has requested for three months time to fulfill his obligations in the settlement on following terms and conditions:-

(i) That the respondent-husband shall pay an amount of Rs.10 lakhs to appellant-wife towards full and final settlement of all the claims, including stridhan, maintenance, alimony, etc.

(ii) That the respondent/husband shall return the Maruti ALTO K10 car along with the dowry articles admitted before the CAW Cell to the appellant/wife on the next date of hearing of Complaint Case No.1068/2023 filed under the provisions of Domestic Violence Act, 2005 pending before learned CMM, Tis Hazari Courts.

(iii) That the appellant shall thereafter withdraw the complaint case No.1068/2023 filed under the provisions of Domestic violence Act, 2005 pending before learned CMM, Tis Hazari Courts within 4 weeks of receiving the articles admitted before the CAW Cell and the respondent/ husband shall pay an amount of



Rs.5 lakhs at the time of withdrawal of the said Complaint.

(iv) That the parties shall thereafter jointly move an application for the quashing of FIR No.83/2019, under Sections 498A/406/34 IPC, registered at Police Station Gandhi Nagar, Delhi within 6 weeks of withdrawal of the complaint case No. 1068/2023. The balance amount of Rs.6 lakhs shall be paid by the respondent/husband to the appellant-wife at the time of quashing of FIR.

(v) That if after receiving payment of any amount, appellant-wife does not come forward to proceed for remaining part of the settlement within the time stipulated, she shall be liable to return the said amount with interest @ 12% p.a. to appellant-husband.

(vi) If after payment of any amount, respondent-husband does not come forward for remaining part of the settlement within the given time, the amount paid by respondent to appellant shall stand forfeited and the respondent shall have no right to claim the said amount.

3. Both the parties have mutually agreed and undertaken that they shall remain bound by the settlement reached before this Court today and shall withdraw/get quashed all the pending litigations against each other or their family members arising out of this marriage and the erring party shall be liable to be prosecuted under the provisions of Contempt of Courts Act, 1971.

4. The aforesaid undertaking furnished on behalf of both the sides is taken on record.

5. In the light of above, appellant submits that the present appeal be disposed of, however seeks liberty to get it revived, if need be.”

5. 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, SI Rahul Tomar, P.S. Gandhi Nagar.

6. As per the said settlement, Rs. 5,00,000/- has already been paid to the complainant/respondent no. 2, and another Rs. 5,00,000/- has been paid to Respondent no. 2/the complainant in court today, who acknowledges the receipt of the same. A Demand Draft bearing no. 682940, dated 13.03.2024,



for Rs. 5,00,000/- drawn on Union Bank, New Delhi Jhandewala, has been handed over to the Complainant/Respondent No.2, who acknowledges the receipt of the same.

7. 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 against the petitioners. She further states that all the terms of the settlement have been complied with.

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

9. In *Gian Singh v. State of Punjab* (2012) 10 SCC 303, 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 proceedings.”

10. 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. 83/2019, under Sections 498A/406/34 of the IPC, registered at P.S. Gandhi Nagar, Delhi and all other consequential proceedings emanating therefrom, including the chargesheet filed and pending before the Court of Ms. Rishika Srivastava, learned Metropolitan Magistrate, Mahila Court, East, Karkardooma Courts, Delhi.

11. In the interest of justice, the petition is allowed, and the FIR No.



83/2019, under Sections 498A/406/34 of the IPC, registered at P.S. Gandhi Nagar, Delhi and all other consequential proceedings emanating therefrom, including the chargesheet filed and pending before the Court of Ms. Rishika Srivastava, learned Metropolitan Magistrate, Mahila Court, East, Karkardooma Courts, Delhi, is hereby quashed.

12. It is however directed that this order shall not come in the way of the minor child in claiming his rights of inheritance, maintenance, educational & marriage expenses, etc. against any of the parties.

13. Petition is allowed and disposed of accordingly.

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

AMIT SHARMA, J

MARCH 15, 2024/bsr