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

+ **CRL.M.C. 2195/2024**

ASHOK SHAYORAN & ANR. Petitioners

Through: Ms.Lucky Tiwari, Adv. with
petitioners in person.

versus

STATE NCT OF DELHI ANR Respondents

Through: Mr.Satinder Singh Bawa, APP
with SI Ramesh, SI Abhilash.
Mr.Mayank Mohan, Adv. for
R-2 with R-2 in person.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **18.03.2024**

CRL.M.A. 8519/2024 (Exemption)

1. Allowed, subject to all just exceptions.

CRL.M.C. 2195/2024

2. This petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 (in short, 'Cr.P.C.') seeking quashing of FIR No.127/2013 registered at Police Station: Nihal Vihar, West, Delhi, under Sections 498A/406/34 of the Indian Penal Code, 1860 (in short, 'IPC') along with all other proceedings arising therefrom, based on a settlement.

3. Issue notice.

4. Notice is accepted by Mr.Satinder Singh Bawa, the learned APP and Mr.Mayank Mohan, the learned counsel for the respondent no.2.

5. The learned counsel for the petitioners submits that the subject FIR was an offshoot of the matrimonial discord between the parties, that



is, the petitioner no.1 and the respondent no. 2.

6. The learned counsel for the petitioners submits that the parties have amicably settled their *inter se* disputes and have entered into a settlement vide Memorandum of Understanding dated 03.06.2014 before the Mediation Centre, Tis Hazari Courts, Delhi.

7. Pursuant to the abovementioned settlement, the petitioner no.1 and respondent no.2 have obtained divorce by way of mutual consent from the learned Family Court vide Decree of Divorce dated 19.05.2015.

8. The learned counsel for the petitioners submits that the custody of the child born from the wedlock of the petitioner no.1 and the respondent no.2, is with the respondent no.2.

9. The petitioner no.1 has also filed an affidavit stating that the settlement between the petitioners and the respondent no.2 shall in no manner, prejudice the rights and interests of the child born from the wedlock in the properties or assets of the petitioners and even otherwise.

10. The respondent no.2, who is present in Court and duly identified by the Investigating Officer, re-affirms the settlement and states that she has settled all the disputes with the petitioners out of her own free will and without any coercion. The respondent no.2 submits that she does not have any objection if the present FIR is quashed

11. The parties further affirm that they shall abide by the terms of the settlement.

12. I have perused the contents of the FIR and also the settlement arrived at between the parties.

13. As the disputes between the parties arose out of a matrimonial relationship, and now the same have been amicably resolved, and the fact that a Decree of Divorce has already been granted by the learned



Family Court pursuant to the settlement, and also looking into the nature of the allegations made in the complaint, in my opinion, no useful purpose would be served in keeping the FIR alive as it would rather create further acrimony between the parties and will be an unnecessary burden on the State exchequer.

14. Guided by the principles enunciated by the Supreme Court in its judgments in *Jitendra Raghuvanshi v. Babita Raghuvanshi*, (2013) 4 SCC 58; *Gian Singh v. State of Punjab*, (2012) 10 SCC 303; *Parbatbhai Aahir @ Parbatbhai Bhimsinbhai Karmur & Ors. v. State of Gujarat & Ors.*, (2017) 9 SCC 641; and, *State of Haryana & Ors. v. Bhajan Lal & Ors.*, 1992 Supp (1) SCC 335, 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 FIR and all the proceedings emanating therefrom.

15. The aforesaid undertaking as regards the rights of the child born from the wedlock given by the petitioner no.1 is taken on record, and it is made clear that the rights of the child will not be restricted/compromised on the basis of the aforesaid Settlement and all her legal rights will remain protected and available to her in accordance with law.

16. Accordingly, the petition is allowed. FIR No.127/2013 registered at Police Station: Nihal Vihar, Delhi, under Sections 498A/406/34 of the IPC and all consequential proceedings emanating therefrom against the petitioners are quashed.

NAVIN CHAWLA, J

MARCH 18, 2024/Arya/RP

[Click here to check corrigendum, if any](#)