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

+ **W.P.(CRL) 897/2024**

VINOD KALAPPAGARI & ORS.

..... Petitioners

Through: Mr. A.K. Dubey, Advocate alongwith
petitioner no. 2 and petitioner no.
3/SPA Holder of Petitioner no. 1 in
person.

versus

STATE OF NCT OF DELHI & ANR.

..... Respondents

Through: Mr. Sanjay Lao, Standing Counsel
(Criminal) with Mr. Shivesh Kaushik
& Mr. Abhinav Kumar Arya,
Advocates.
SI Mamta, P.S. Dwarka South.
Mr. Avnish Rana, A. Karthik, Ms.
Smrithi Suresh, Ms. Gunjan Rathore
& Ms. Sree Priya, Advocates for R-2.
Mr. M.L. Mahesh, father of R-2.
Respondent no. 2 in person (through
VC).

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

18.03.2024

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**CRL.M.A. 8508/2024 (Allow the present petition be filed through
power of attorney)**

1. The present application under Section 482 of the Cr.P.C. seeks the
following prayers:

“(a) In the interest of justice, it is most respectfully prayed that this
Hon'ble Court may kindly be pleased to allow the Petitioner No. 1 to
file the criminal writ petition through Power of Attorney Holder.



(b) Pass any other or further orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case may also be passed.”

2. Issue notice.
3. Learned Standing Counsel for the State accepts notice.
4. In view of the averments made in the application and in the interest of justice, the same is allowed and disposed of accordingly.

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5. The present petition under Article 226 of the Constitution of India read with Section 482 of the Cr.P.C. seeks quashing of FIR No. 107/2023, under Sections 498A/406/509/34 of the IPC, registered at P.S. Dwarka South, Delhi.
6. The marriage between petitioner no.1/husband and respondent no.2/wife was solemnized on 26.12.2021 as per Hindu rites and ceremonies. No child was born out of the said wedlock.
7. Due to matrimonial differences between petitioner no. 1 and respondent no. 2, the parties started residing separately from 07.10.2022. Subsequently, respondent no.2/complainant lodged an FIR against petitioner no.1 (husband), petitioner no. 2 (mother-in-law), petitioner no. 3 (brother-in-law) and sister-in-law (not a party to the present petition).
8. During the pendency of the aforesaid proceedings, the parties have arrived at a settlement vide settlement agreement dated 19.07.2023 (Annexure- P4).
9. In terms of the said settlement, the marriage between the parties stands dissolved by a decree of divorce dated 20.01.2024, passed by the learned Principal Judge, Family Court, Dwarka Courts, Delhi.



10. Petitioner no. 1 is represented through Mr. Vishal Kalappagari/petitioner no. 3 through Special Power of Attorney. Affidavit with regard to the same is annexed as Annexure-P2.

11. Petitioner no. 2 and petitioner no. 3/SPA of petitioner no. 1 are present in Court today and complainant/respondent no. 2 appears through video conferencing and have been duly identified by their respective counsel, as well as the Investigating Officer, SI Mamta, P.S. Dwarka South.

12. 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.

13. Learned Standing Counsel for the State submits that investigation in the present FIR is pending and chargesheet is yet to be filed. In view of the settlement between the parties, learned Standing Counsel for the State also has no objection if the present FIR is quashed.

14. 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.”

15. 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. 107/2023, under Sections 498A/406/509/34 of the IPC, registered at P.S. Dwarka South, Delhi.

16. In the interest of justice, the petition is allowed, and the FIR No. 107/2023, under Sections 498A/406/509/34 of the IPC, registered at P.S. Dwarka South, Delhi, is hereby quashed.

17. Petition is allowed and disposed of accordingly.

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

AMIT SHARMA, J

MARCH 18, 2024/bsr