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

+ W.P.(CRL) 912/2024

RAHUL & ORS.

..... Petitioners

Through: Mr.Atul Yadav, Mr.A.P.
Sharma, Advs. with petitioners
in person.

versus

THE STATE (N.C.T. OF DELHI) & ANR. Respondents

Through: Mr.Sanjay Lao, SC (Crl),
Mr.Shivesh Kaushik,
Mr.Abhinav Arya, Advs. with
SI Mayank.
Mr.S.P.Singh, Adv. for R-2
with R-2 in person.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

19.03.2024

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1. This petition has been filed under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 (in short, 'Cr.P.C.') seeking quashing of FIR No.447/2019 registered at Police Station: Kalyanpuri, East District, Delhi, under Sections 498A/406/34 of the Indian Penal Code, 1860 (in short, 'IPC') and Section 4 of the Dowry Prohibition Act, 1961 (hereinafter referred to as the 'DP Act'), along with all other proceedings arising therefrom, based on a settlement.

2. Issue notice.

3. Notice is accepted by Mr.Sanjay Lao, the learned Standing Counsel (Crl.) for respondent no.1, and Mr.S.P. Singh, learned



Advocate on behalf of the respondent no.2.

4. 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. He submits that the parties have amicably settled their *inter se* disputes with the intervention of the family members and have entered into a settlement/compromise deed dated 20.01.2023.

5. Pursuant to the abovementioned settlement, the petitioner no.1 and respondent no.2 have obtained divorce by way of mutual consent from the learned Principal Judge, Family Courts, East District, Karkardooma Courts, Delhi vide Decree of Divorce dated 13.07.2023.

6. The respondent no.2, who is present in Court and has been duly identified by the Investigating Officer, reaffirms the abovementioned 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.

7. The learned counsel for the petitioners has handed over a Demand Draft of Rs.50,000/- to the respondent no.2 in Court as per the compromise deed.

8. The petitioner no.1 has also filed an affidavit dated 02.12.2023 stating that the settlement arrived at between the parties shall in no manner prejudice the rights of the minor child born from their wedlock. The petitioner no.1 shall remain bound by the statement so made.

9. I have perused the contents of the FIR and also the settlement



arrived at between the parties.

10. Keeping in view the fact that disputes between the parties arose out of a matrimonial relationship and the respondent no.2 does not wish to pursue her complaint any further, as also the Settlement arrived at between the parties and the fact that a Decree of Divorce has already been granted by the learned Family Court pursuant to the settlement, I find that no useful purpose shall be served in continuing with the proceedings of the present FIR as the chances of its success will be rather minuscule and it would rather create further acrimony between the parties and will be an unnecessary burden on the State exchequer.

11. 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.

12. Accordingly, the petition is allowed. FIR No.447/2019 registered at Police Station: Kalyanpuri, East District, Delhi, under Sections 498A/406/34 of the IPC and Section 4 of the DP Act, along with all the consequential proceedings emanating therefrom against the petitioners are quashed.

13. However, as regards the rights of the minor child born from the



wedlock, it is made clear that the rights of the child will not be restricted/compromised on the basis of the aforesaid Settlement and all his legal rights will remain protected and available to her in accordance with law.

NAVIN CHAWLA, J

MARCH 19, 2024/Arya/AS

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