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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 1622/2022**
RAJEEV DOBRIYAL AND ORS.

..... Petitioners

Through: Mr.Lalit Sharma, Adv.

versus

STATE OF NCT OF DELHI AND ANR

..... Respondents

Through: Mr.Shoaib Haider, APP.
SI Anil Tewatia, PS Khyala.
Mr.Sehel Khan, Adv. for R2

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

28.02.2024

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1. 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. 747/2020 registered at Police Station: Khyala, West District, Delhi under Sections 498A/406/34 of the Indian Penal Code, 1860 (in short, 'IPC'), along with all other proceedings arising therefrom, on the basis of settlement.

2. 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 and have entered into a settlement vide Oral Compromise/Settlement dated 01.02.2021.

3. Pursuant to the above-mentioned settlement, the learned Principal Judge, Family Court, Kotdwara, Uttarakhand has granted a



decree of divorce dated 31.08.2021 to the parties, that is, the petitioner no.1 and the respondent no.2.

4. The petitioner no.1 has also filed an affidavit dated 17.07.2023 stating that the settlement arrived at between himself and respondent no.2 shall, in no manner, prejudice the rights and interests of the children born from the wedlock of the said parties.

5. The respondent no.2, who is present in Court and has been duly identified by the Investigating Officer (IO), 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 wish to pursue the proceedings emanating from the FIR any further and has no objection if the present FIR is quashed.

6. I have perused the contents of the FIR and considered the submissions made.

7. Keeping in view the fact that the dispute arose out of matrimonial discord and the respondent no.2 does not wish to pursue her complaint any further, as also the Settlement arrived at between the parties, I find that no useful purpose shall be served in continuing with the proceedings of the present FIR as it would create further acrimony between the parties and will be an unnecessary burden on the State exchequer.

8. 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.

9. The parties shall remain bound by the terms of the settlement.

10. Accordingly, the petition is allowed. FIR No. 747/2020 registered at Police Station: Khyala, West District, Delhi under Sections 498A/406/34 of IPC, and all consequential proceedings emanating therefrom against the petitioners are quashed.

11. However, as regards the rights of the children born from the wedlock, it is made clear that the rights of the children will not be restricted/compromised on the basis of the aforesaid Settlement and all their legal rights will remain protected and available to them in accordance with law.

NAVIN CHAWLA, J

FEBRUARY 28, 2024/rv/AS

Click here to check corrigendum, if any