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

+ CRL.M.C. 1637/2022

PAWAN CHADHA

..... Petitioner

Through: Mr.Rakesh Kumar and
Ms.Sangeeta Gupta, Advs.

versus

THE STATE & ANOTHER

..... Respondents

Through: Mr.Shoaib Haider, APP with
ASI Om Prakash
Mr.Suhail Shah and Ms.Kirti
Sharma, Advs. for R-2 along
with R-2 (through VC)

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

14.05.2024

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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.015/2018 registered at Police Station: Sarai Rohilla, Delhi under Sections 498A/406/342/34 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 petitioner submits that the subject FIR was an offshoot of the matrimonial discord between the parties, that is, the petitioner and the respondent no.2.

3. He submits that the parties have amicably settled their *inter se* disputes and have entered into a Settlement before Counselling Cell, Family Courts, Tis Hazari Courts, Delhi on 04.03.2020. The marriage between the petitioner and respondent no.2 has already been dissolved



vide Decree of Divorce dated 22.12.2020, passed by learned Principal Judge, Family Court, Central District, Tis Hazari Courts, New Delhi.

4. The parties have entered into a fresh settlement agreement before the Delhi High Court Mediation and Conciliation Centre. The parties shall remain bound by the same. The petitioner has also transferred a sum of Rs.4,05,000/- to the respondent no.2. Needless to state the settlement shall have no effect on the rights of the child from the wedlock.

5. The respondent no.2, who appears virtually and has been duly identified by the Investigating Officer (IO), reaffirms the above-mentioned settlement and states that she has settled all the disputes with the petitioners out of her own free will and without any coercion and does not wish to pursue her complaint against the petitioner and his parents anymore. She submits that she has no objection if the present FIR is quashed.

6. I have perused the contents of the FIR, Charge Sheet and also the Settlement between the parties.

7. Keeping in view the fact that the disputes between the parties arose out of a matrimonial relationship, and now the same have been amicably settled, a Decree of Divorce has also been passed 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. In fact, it would rather 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. Accordingly, the petition is allowed. FIR No.015/2018 registered at Police Station: Sarai Rohilla, Delhi under Sections 498A/406/342/34 of the IPC is quashed and all consequential proceedings emanating therefrom against the petitioner and also against all other accused are quashed.

10. However, as regards the rights of the 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 her legal rights will remain protected and available to her in accordance with law.

NAVIN CHAWLA, J

MAY 14, 2024/ns

Click here to check corrigendum, if any