



\$~71

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

+ **CRL.M.C. 2299/2024**

DIMPAL UPADHYAY AND ORS.

..... Petitioners

Through: Mr. Abhishek Kumar, Ms. Shivangi Singh and Mr. N.R. Shwetabh,
Advocates alongwith petitioners in person.

versus

STATE OF NCT OF DELHI AND ANR.

..... Respondents

Through: Mr. Sunil Kumar Gautam, APP for the State.
SI Akshay Sheoran, PS Safdarjung Enclave.
Ms. Bhumiya Yadav, Advocate for R-2 alongwith R-2 in person.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

20.03.2024

%

1. The present petition under Section 482 Cr.P.C. seeks quashing of FIR No. 266/2022, under Section 498A/406/34 of the IPC and Section 4 of Dowry Prohibition Act, registered at PS Safdarjung Enclave.
2. The marriage between the petitioner no.1/husband and the respondent no.2/wife was solemnized on 28.04.2018 as per Hindu Rites and Customs and one female child was born out of the said wedlock.
3. Due to matrimonial differences between petitioner no. 1 and respondent no. 2, the parties resided separately from 02.10.2020. Subsequently, respondent no.2/complainant registered an FIR against petitioner no. 1 (husband), petitioner no. 2 (mother-in-law) and petitioner



no. 3 (brother-in-law).

4. On 19.10.2023, parties arrived at a settlement before the Counselling Cell, Saket (South) New Delhi and as per the said settlement deed, petitioner no.1 has agreed to pay an amount of Rs. 25,00,000/- to the respondent no.2/wife towards full and final settlement of all her claims including *istridhan*, permanent alimony and maintenance - present, past and future (Annexure C).

5. In terms of the said settlement, the marriage between the parties stands dissolved by a decree of divorce dated 15.12.2023, passed by Sh. Pritam Singh, Judge, Family Court-01, South, Saket Courts, Delhi (Annexure E). Further, as per the settlement deed, an amount of Rs. 20,00,000/- has already been paid to respondent no.2 and the remaining amount of Rs. 5,00,000/- has been paid to her in Court today, by means of a demand draft. As per the said settlement, custody of the minor child will be with the respondent no. 2 and the petitioner no. 1 will have visitation rights by mutual agreement.

6. Petitioners and complainant/respondent no. 2 are present before the Court and have been duly identified by their respective counsel, as well as the Investigating Officer, SI Akshay Sheoran, PS Safdarjung Enclave.

7. A Demand Draft bearing no. 388849 dated 19.03.2024 for Rs. 5,00,000/- drawn on Punjab National Bank, Sitapura Industrial Area, Jaipur, Rajasthan, has been handed over to the Complainant/Respondent No.2, who acknowledges the receipt of the same.

8. 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 against the petitioners. She further states that all the terms of the settlement



have been complied with.

9. Learned APP for the State submits that investigation in the present FIR is pending and chargesheet has not been filed. In view of the settlement between the parties, learned APP for the State also has no objection if the present FIR is quashed.

10. In *Gian Singh v. State of Punjab* (2012) 10 SCC 303, 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 proceedings.”

11. 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. 266/2022, under Section 498A/406/34 of the IPC and Section 4 of Dowry Prohibition Act, registered at PS Safdarjung Enclave.

12. In the interest of justice, the petition is allowed, and the FIR No. 266/2022, under Section 498A/406/34 of the IPC and Section 4 of Dowry Prohibition Act, registered at PS Safdarjung Enclave, is hereby quashed.

13. It is however directed that this order shall not come in the way of the minor child in claiming her rights of inheritance, maintenance, educational & marriage expenses, etc. against any of the parties.



14. Petition is allowed and disposed of accordingly.
15. Pending application(s), if any, also stand disposed of.

AMIT SHARMA, J

MARCH 20, 2024/sn