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

\+ CRL.M.C. 2396/2024

GAURAV PAYAL & ORS. ..... Petitioners

Through: Mr. Sandeep Jain & Mr. H.S. Singh, Advs. with petitioners in person.

versus

THE STATE & ANR. ..... Respondents

Through: Mr. Sunil Kumar Gautam, APP for State with SI Rajesh Chhabra, P.S. Jaitpur, Delhi.
Ms. Saloni, Adv. for R-2 with Respondent no.2 in person.

CORAM:
HON'BLE MR. JUSTICE AMIT SHARMA

O R D E R

% 22.03.2024

CRL.M.A. 9178/2024 (EXEMPTION)

1. Exemption allowed, subject to just exceptions.

2. The application is disposed of accordingly.

CRL.M.C. 2396/2024

3. The present petition under Section 482 Cr.P.C. seeks quashing of FIR No. 782/2018, under Section 498A/406/34 IPC, registered at PS Jaitpur, Delhi and all other consequential proceedings emanating therefrom, including the chargesheet filed and pending before the Court of Ms. Archita Garg, learned Metropolitan Magistrate, Saket Court, New Delhi.

4. The marriage between the petitioner no.1/husband and the respondent no.2/wife was solemnized on 16.02.2015 as per Hindu Rites and Customs

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and one male child was born out of the said wedlock.

5. Due to matrimonial differences between petitioner no. 1 and respondent no. 2, the parties had started residing separately. Subsequently, respondent no.2/complainant lodged an FIR against petitioner no. 1 (husband), petitioner no. 2 (father-in-law), petitioner no. 3 (mother-in-law), petitioner no.4 (*mousi saas*) and 5 (sister-in-law/*nanad*).

6. On 08.08.2023, parties arrived at a settlement before a Division Bench of this Court in MAT.APP.(F.C.) 30/2023, the terms of the which is as under:-

> (i) That an amount of Rs. 1 lakh shall be paid by the respondent to the appellant at the time of withdrawal of case under Domestic Violence Act, filed by the appellant, which is fixed for tomorrow i.e. 09.08.2023;
> (ii) That an amount of Rs.1 lakh shall be paid by the respondent to the appellant at the time of withdrawal of case under 125 Cr.P.C filed by the appellant, on the date the matter is fixed before the learned Judge, Family Courts;
> (iii) That an amount of Rs.1 lakh shall be paid by the respondent to the appellant at the time of withdrawal of case under Guardianship Act, filed by the respondent on the date the matter is listed before the learned Family Judge ;
> (iv) That an amount of Rs.7 lakhs shall be paid by the respondent to the appellant at the time of quashing of FIR bearing No.782/2018 under Section 498A/406/34 IPC at P.S. Jaitpur; and
> (v) That the respondent shall not claim visitation rights of their son."

7. As per the said settlement deed, petitioner no.1 has agreed to pay an amount of Rs. 10,00,000/- 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.

8. In terms of the said settlement, the marriage between the parties

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stands dissolved by a decree of divorce dated 24.11.2022, passed by Ms. Madhu Jain, Principal Judge (South-East), Family Courts, Saket, New Delhi (Annexure P-2). Further, as per the settlement deed, an amount of Rs. 3,00,000/- has already been paid to respondent no. 2 and the remaining amount of Rs. 7,00,000/- 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 no visitation rights.

9. In addition to the aforesaid settlement, the petitioner no.1/husband submits that he shall not claim custody of the child.

10. Petitioners and complainant/respondent no. 2 are present before the Court and have been duly identified by the Investigating Officer SI Rajesh Chhabra, P.S. Jaitpur, Delhi.

11. A Demand Draft bearing no. 009540 dated 21.03.2024 for Rs. 7,00,000/- drawn on Bank of Baroda, Branch Safdarjung Hospital, New Delhi has been handed over to the Complainant/Respondent No.2, who acknowledges the receipt of the same.

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 against the petitioners. She further states that all the terms of the settlement have been complied with.

13. In view of the settlement between the parties, learned APP 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, Hon'ble Supreme Court has recognized the need of amicable resolution of disputes by observing as under:-

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> "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."

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. 782/2018, under Section 498A/406/34 IPC, registered at PS Jaitpur, Delhi and all other consequential proceedings emanating therefrom, including the chargesheet filed and pending before the Court of Ms. Archita Garg, learned Metropolitan Magistrate, Saket Court, New Delhi.

16. In the interest of justice, the petition is allowed, and the FIR No. 782/2018, under Section 498A/406/34 IPC, registered at PS Jaitpur, Delhi and all other consequential proceedings emanating therefrom, including the chargesheet filed and pending before the Court of Ms. Archita Garg, learned Metropolitan Magistrate, Saket Court, New Delhi, is hereby quashed.

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

18. Petition is allowed and disposed of accordingly.

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

AMIT SHARMA, J

MARCH 22, 2024/nk

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