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

+ **W.P.(CRL) 979/2024**

HEMANT GUPTA & ORS.

..... Petitioners

Through: Mr.Vishwa Ranjan Kumar,
Ms.Suman Pandey, Ms.Deepali
Singh, Advs. with petitioners in
person.

versus

THE STATE (NCT OF DELHI) & ANR. Respondents

Through: Ms.Rupali Bandhopadhya, ASC
(Crl.) with Mr.Abhijeet Kumar,
Adv. alongwith SI Kavish
Rana.

Respondent no.2 in person.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **27.03.2024**

CRL.M.A. 9357/2024 (Exemption)

1. Allowed, subject to all just exceptions.

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2. 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.571/2018 registered at Police Station: Shakarpur, East-District, Delhi, under Sections 498A/406/34 of the Indian Penal Code, 1860 (in short, 'IPC') along with all other proceedings arising therefrom, based on a settlement.

3. Issue notice.

4. Notice is accepted by Ms.Rupali Bandhopadhya, learned ASC,



and by respondent no.2, who appears in person.

5. 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 / Memorandum of Settlement dated 10.10.2023.

6. He submits that pursuant to the above settlement between the parties, 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 16.12.2023.

7. The respondent no.2, who is present in person 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. The petitioners have handed over a Demand Draft of Rs.1,50,000/- to the respondent no.2 in Court in terms of the settlement.

8. I have perused the terms of the settlement and find the same to be lawful.

9. As 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.

10. 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.

11. Accordingly, the petition is allowed. FIR No.0571/2018 registered at Police Station: Shakarpur, East-District, Delhi, under Sections 498A/406/34 of the IPC, along with all the consequential proceedings emanating therefrom against the petitioners are quashed.

NAVIN CHAWLA, J

MARCH 27, 2024/Arya/ss

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