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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 2497/2024**

SH. SUDHIR MANN & ORS.

..... Petitioners

Through: Mr. Vishwajeet Dev & Mr. Arun
Saroja, Advs. with petitioners in
person.

versus

THE STATE & ANR.

..... Respondents

Through: Mr. Hitesh Vali, APP for State
with SI Monil, P.S. S.B. Dairy.
Complainant in person.

CORAM:
HON'BLE MR. JUSTICE AMIT SHARMA

ORDER
28.03.2024

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1. The present petition under Section 482 Cr.P.C. seeks quashing of FIR No. 686/2017, under Sections 498A/406/34 IPC registered at PS Shahbad Dairy, Delhi and all other consequential proceedings emanating therefrom, including the chargesheet filed and pending before the Court of Ms. Nidhi Chitkara, learned Metropolitan Magistrate, Mahila Court-02, North, Rohini Court, New Delhi.
2. The marriage between the petitioner no.1/husband and the respondent no.2/wife was solemnized on 18.07.2010 as per Hindu Rites and Customs and two children were born out of the said wedlock.
3. Due to matrimonial differences between petitioner no. 1 and respondent no. 2, the parties have resided separately from 2017. Subsequently, respondent no.2/complainant lodged a complaint against



petitioners.

4. On 16.12.2023, parties arrived at a settlement before Delhi Mediation Centre, Rohini District Courts, Delhi and as per the said settlement, petitioner no.1 has agreed to pay an amount of Rs. 1,50,000/- plus one 2BHK flat in the joint names of the complainant/wife as well as both minor children 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.

5. In terms of the said settlement, the marriage between the parties stands dissolved by a decree of divorce dated 06.03.2024, passed by Mr. Neeraj Gaur, Judge, Family Court, North, Delhi (Annexure P-3/1). Further, in terms of the settlement, the documents of property have been handed over to respondent no.2 in Court today and she submits that the said papers are in accordance with the settlement deed. As per the said settlement, custody of the minor children will be with the petitioner no. 1/husband and the respondent no. 2/wife will have visitation rights, for which purpose petitioner no. 1/husband shall take both the children to the complainant/respondent no. 2 for one day stay, on every Sunday during the hours as per their convenience and further, during summer vacations, petitioner no. 1/husband shall allow both the children to stay with the complainant/respondent no. 2 for ten days.

6. Petitioners and complainant/respondent no. 2 are present before the Court and have been duly identified by the Investigating Officer, SI Monil, P.S. Shahbad Dairy.

7. 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.

8. In view of the settlement between the parties, learned APP for the State also has no objection if the present FIR is quashed.

9. 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.”

10. 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. 686/2017, under Sections 498A/406/34 IPC registered at PS Shahbad Dairy, Delhi and all other consequential proceedings emanating therefrom, including the chargesheet filed and pending before the Court of Ms. Nidhi Chitkara, learned Metropolitan Magistrate, Mahila Court-02, North, Rohini Court, New Delhi.

11. In the interest of justice, the petition is allowed, and the FIR No. 686/2017, under Sections 498A/406/34 IPC registered at PS Shahbad Dairy, Delhi and all other consequential proceedings emanating therefrom, including the chargesheet filed and pending before the Court of Ms. Nidhi Chitkara, learned Metropolitan Magistrate, Mahila Court-02, North, Rohini



Court, New Delhi, is hereby quashed.

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

13. Petition is allowed and disposed of accordingly.

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

AMIT SHARMA, J

MARCH 28, 2024/nk

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