



\$~81

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 988/2024**
CHUNNU PASWAN @ CHUNNU KUMAR & ORS.

..... Petitioners

Through: Mr.Anuj Agarwal, Mr.Nikhil Chauhan, Mr.S.K. Sheran and Mr.Ashwini Kumar, Advs. along with petitioners in person.

versus

STATE(GOVT. OF NCT OF DELHI) & ANR.

..... Respondents

Through: Mr.Sanjay Lao, SC (Crl.) with Mr.Shivesh Kaushik and Mr.Abhinav Arya, Advs. with SI Ankur Ms.Priyanka, Adv. for R-2 along with R-2 in person.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **28.03.2024**
CRL.M.A. 9449/2024 (Exemption)

1. Allowed, subject to all just exceptions.

W.P.(CRL) 988/2024

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.879/2019 registered at Police Station: Nihal Vihar, Outer District, Delhi under Sections 498A/406/34 of the Indian Penal Code, 1860 (in short, 'IPC'), along with all other proceedings arising therefrom, on



the basis of a settlement.

3. Issue notice.

4. Notice is accepted by Mr.Sanjay Lao, learned Standing Counsel (Crl.) for the State and by Ms.Priyanka, learned advocate on behalf of the respondent no.2.

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.

6. The learned counsel for the petitioners submits that the parties, that is, the petitioner no.1 and the respondent no.2 have amicably settled all their *inter se* disputes before Counselling Cell, Family Court, West District, Tis Hazari Courts, Delhi vide Settlement dated 26.10.2023.

7. Pursuant to the above settlement, the parties have also obtained a Decree of Divorce dated 18.03.2024 from the learned Judge, Family Court-02, West District, Tis Hazari Courts, Delhi, by which the parties have decided to part their ways by mutual consent.

8. The learned counsel for the petitioners has handed over a demand draft of Rs.4 lacs to the respondent no.2, who is present in person and has been duly identified by the Investigating Officer (IO).

9. The respondent no.2 reaffirms 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 has no objection if the present FIR is quashed.

10. I have perused the contents of the FIR and also the settlement between the parties.



11. Keeping in view the fact that the respondent no.2 does not wish to pursue her complaint any further, and that a Decree of Divorce has also been obtained by the parties pursuant to the settlement, as also the Settlement arrived at between the parties, I find that no useful purpose shall be served in continuing with the proceedings of the present FIR as the chances of its success will be rather minuscule and it would rather create further acrimony between the parties and will be an unnecessary burden on the State exchequer.

12. 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.

13. Accordingly, the petition is allowed. FIR No.879/2019 registered at Police Station: Nihal Vihar, Outer District, Delhi under Sections 498A/406/34 of the IPC and all consequential proceedings emanating therefrom against the petitioners are quashed.

NAVIN CHAWLA, J

MARCH 28, 2024/ns/AS

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