



\$~6

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

+ **W.P.(CRL) 1018/2024**

KARTIK SHARMA AND ORS

..... Petitioners

Through: Mr. Manoj Kumar, Ms. Drishti
Monga, Advocates alongwith
petitioners in person.

versus

THE STATE NCT OF DELHI AND ANR

..... Respondents

Through: Mr. Sanjay Lao, Standing Counsel
(Criminal) for the State with Ms.
Priyam Aggarwal, Mr. Shivesh
Kaushik & Mr. Abhinav Kumar Arya,
Advocates.
W/SI Purvi, P.S. Tilak Nagar.
Mr. Sahil Kakkar, Advocate for R-2
alongwith R-2 in person.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

% **22.04.2024**

**CRL.M.A.11630/2024 (for filing the fresh amended memo of parties
along with petition)**

1. The present application under Section 482 of the Cr.P.C. seeks the following prayers:

- “(i) Grant permission to the Petitioners from filing the amended memo of parties at this stage;
- (ii) pass such other orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case and;”

2. Issue notice.



3. Learned Standing Counsel for the State accepts notice and fairly does not oppose the present application.

4. In view of the averments made in the application and in the interest of justice, the same is allowed and disposed of.

5. The amended memo of parties is taken on record.

W.P.(CRL) 1018/2024

6. The present petition filed under Article 226 of the Constitution of India read with Section 482 Cr.P.C. seeks quashing of FIR No. 75/2022, under Sections 498A/406/34 of the IPC, registered at P.S. Tilak Nagar, Delhi, and all other consequential proceedings emanating therefrom, including the chargesheet pending before the Court of Ms. Karuna, learned Metropolitan Magistrate, Mahila Court (West), Tis Hazari Courts, Delhi.

7. The marriage between petitioner no.1/husband and respondent no.2/wife was solemnized on 27.11.2020 as per Hindu rites and ceremonies. No child was born out of the said wedlock.

8. Due to matrimonial differences between petitioner no. 1 and respondent no. 2, the parties started residing separately from 27.08.2021. Subsequently, respondent no.2/complainant lodged an FIR against the petitioners.

9. On 06.03.2023, parties arrived at a settlement and as per the said settlement, petitioner no.1 has agreed to pay an amount of Rs. 8,00,000/- 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. The copy of the aforesaid settlement dated 06.03.2023 is on record (Annexure-B).

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



stands dissolved by a decree of divorce dated 13.10.2023, passed by Ms. Charu Aggarwal, Judge, Family Court-01, West, District, Tis Hazari Courts, Delhi (Annexure-C). Further, as per the settlement deed, an amount of Rs. 5,00,000/- has already been paid to respondent no.2 and the remaining amount of Rs. 3,00,000/- has been paid to her in Court today, by means of a demand draft.

11. 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, W/SI Purvi, P.S. Tilak Nagar.

12. A demand draft bearing no. 274200, dated 30.03.2024, for Rs. 3,00,000/- drawn on IDFC First Bank, Gurgaon-Udyog Vihar, has been handed over to the complainant/Respondent no.2, who acknowledges the receipt of the same.

13. 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. She further states that all the terms of the agreement have been complied with.

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

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

16. 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. 75/2022, under Sections 498A/406/34 of the IPC, registered at P.S. Tilak Nagar and all other consequential proceedings emanating therefrom, including the chargesheet pending before the Court of Ms. Karuna, learned Metropolitan Magistrate, Mahila Court (West), Tis Hazari Courts, Delhi.

17. In the interest of justice, the petition is allowed, and the FIR No. 75/2022, under Sections 498A/406/34 of the IPC, registered at P.S. Tilak Nagar and all other consequential proceedings emanating therefrom, including the chargesheet pending before the Court of Ms. Karuna, learned Metropolitan Magistrate, Mahila Court (West), Tis Hazari Courts, Delhi, is hereby quashed.

18. Petition is allowed and disposed of accordingly.

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

AMIT SHARMA, J

APRIL 22, 2024/bsr

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