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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 2569/2024**
DURGESH TRIPATHI & ORS.

..... Petitioners

Through: Mr.Rajiv Ranjan, Ms.Shreya
Yadav, Ms.Kirti Pamar &
Mr.Vivekanand Singh, Advs.

versus

GOVT. OF N.C.T. OF DELHI & ANR.

..... Respondents

Through: Mr.Shoaib Haider, APP.
SI Jitendra Yadav, PS Mohan
Garden.
Ms.Swati Shukla, Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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10.04.2024

1. This petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 (in short, 'Cr.P.C.') seeking quashing of FIR No. 0149/2022 registered at Police Station: Mohan Garden, Dwarka, Delhi under Sections 354/498A/406/34 of the Indian Penal Code, 1860 (in short, 'IPC'), along with all other proceedings arising therefrom, on the basis of settlement.

2. 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 dated 15.09.2023 before the Mediation Centre, Dwarka Courts, New Delhi.



3. Pursuant to the above-mentioned settlement, the learned Principal Judge, Family Courts, South West, Dwarka, New Delhi has granted a Decree of Divorce by mutual consent dated 23.12.2023 to the parties, that is, the petitioner no.1 and the respondent no.2.

4. The respondent no.2, who is present in Court and has been duly identified by the Investigating Officer (IO), reaffirms the above-mentioned 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 wish to pursue the proceedings emanating from the FIR any further and has no objection if the present FIR is quashed.

5. The learned counsel for the petitioners has handed over a Demand Draft of Rs.6,00,000/- (Rupees Six Lakhs Only) to the respondent no.2 as per the terms of the Settlement.

6. I have perused the contents of the FIR and considered the submissions made.

7. 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.

8. 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.

9. Accordingly, the petition is allowed. FIR No. 0149/2022 registered at Police Station: Mohan Garden, Dwarka, Delhi under Sections 354/498A/406/34 of IPC, and all consequential proceedings emanating therefrom against the petitioners are quashed.

NAVIN CHAWLA, J

APRIL 10, 2024/rv/RP

Click here to check corrigendum, if any