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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 2593/2024**
SH VISHAL SHRIVASTAVA & ORS.

..... Petitioners

Through: Mr. Rahul Kumar and Ms.
Bhawna Singh, Advocates
along with Petitioners in
person.

versus

STATE GOVT OF NCT OF DELHI & ANR.

..... Respondents

Through: Mr.Satinder Singh Bawa, APP
for the State along with SI
Harshwardhan, P.S. Farsh
Bazar.

R-2 with her counsel Mr.Dhan
Mohan, Ms. Tanu B. Mishra,
Ms. Tanisha Bhatia and Mr.
Tarun Aggarwal, Advocates.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **02.04.2024**

CRL.M.A. 9889/2024 (Exemption)

1. Allowed, subject to all just exception.

CRL.M.C. 2593/2024

2. 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.0207/2022 registered at Police Station: Farsh Bazar, Shahdara-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 Satinder Singh Bawa, learned APP and Mr.Dhan Mohan, Advocate on behalf of 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. He submits that the parties, that is, petitioners and respondent no.2 have amicably settled their disputes vide settlement dated 24.11.2022 recorded before the learned Principal Judge, Family Court, Shahdara-District Karkardooma Courts, Delhi.

6. Pursuant to the above settlement between the parties, the petitioner no.1 and respondent no.2 has obtained a divorce by mutual consent vide Decree of Divorce dated 05.08.2023.

7. The respondent no.2, who is present in Court and has been duly identified by the Investigating Officer (IO), 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.

8. The petitioners have handed over a Demand Draft of a sum of Rs.3,00,000/- to respondent no.2. The petitioner no.1 has also filed an additional affidavit, a copy whereof has been supplied in Court, stating that the settlement shall not, in any manner, prejudice the rights of the minor child born from their wedlock. The said affidavit be placed on record.



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

10. 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.

11. 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.

12. Accordingly, the petition is allowed. FIR No.0207/2022 registered at Police Station: Farsh Bazar, Shahdara-District, Delhi, under Sections 498A/406/34 of the IPC, along with all the consequential proceedings emanating therefrom against the petitioners are quashed.

13. However, as regards the rights of the child born from the wedlock, it is made clear that the rights of the child will not be



restricted/compromised on the basis of the aforesaid Settlement and all her legal rights will remain protected and available to her in accordance with law.

APRIL 2, 2024/A/ss

NAVIN CHAWLA, J

Click here to check corrigendum, if any