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

+ CRL.M.C. 2659/2024

VIPUL RAWAT & ORS.

..... Petitioners

Through: Mr.Girish Kargeti & Ms.Geeta
Singh, Advs. along with the
petitioners present in person.

versus

THE STATE OF DELHI & ANR.

..... Respondents

Through: Mr.Shoaib Haider, APP.
SI Sachin, PS Seemapuri.
Ms.Prajwal Sharma, Adv. for
R-2.
Respondent no.2 present in
person.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **03.04.2024**

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.0032/2020 registered at Police Station: Seemapuri, Shahdara-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 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.

3. He submits that the parties have amicably settled their *inter se* disputes and have entered into a settlement dated 03.10.2023 before the Counselling Cell, Family Courts, Delhi.

4. Pursuant to the above-mentioned settlement, the learned



Principal Judge (HQs), Family Courts, South West, Dwarka, New Delhi has granted a Decree of Divorce by mutual consent dated 09.01.2024 to the parties, that is, the petitioner no.1 and the respondent no.2.

5. The petitioner no.1 has also filed an affidavit stating that the settlement arrived at between them, that is, the petitioner no.1 and respondent no.2, shall in no manner prejudice the rights of the minor child born from their wedlock. The petitioner no.1 is bound by the statement so made.

6. The respondent no.2, who is present in Court in person 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.

7. The learned counsel for the petitioners has handed over a Demand Draft of Rs. 35,000/- (Rupees Thirty Five Thousand Only) to the respondent no.2 as per the terms of the Settlement.

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

9. 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.

10. 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.

11. Accordingly, the petition is allowed. FIR No.0032/2020 registered at Police Station: Seemapuri, Shahdara-District, Delhi under Sections 498A/406/34 of IPC, and all consequential proceedings emanating therefrom against the petitioners are quashed.

12. 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.

NAVIN CHAWLA, J

APRIL 3, 2024/rv/ss

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