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

+ CRL.M.C. 2666/2024 & CRL.M.A. 10267/2024 (exemption from filing no objection of respondent no. 2)

RAJ CHAWLA & ORS.

..... Petitioners

Through: Mr. Narender Malawaliyam & Mr. Ramesh Pandey, Advocates.
Petitioner no. 1, 3 to 5 in person.
Petitioner no. 2 through VC.

versus

THE STATE GOVT OF NCT DELHI & ANR. Respondents

Through: Mr. Sunil Kumar Gautam, APP for the State with SI Yashpal Singh, P.S. CWC Nanakpura.
Mr. Kush Sharma, Ms. Priyanka Yadav, Ms. Komal Narula, Mr. Nischaya Nigam, Ms. Asiya Khan & Ms. Neha Mishra, Advocates for R-2 alongwith respondent no. 2 in person.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

07.05.2024

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CRL.M.A. 14053/2024

1. The present application under Section 482 of the Cr.P.C on behalf of respondent no. 2 seeks the following prayers:

“a. May kindly be pleased to take the affidavit for no objection of quashing the FIR bearing no. 0010/2023 accompanying this application be taken on record.

b. Pass any other or further order as this Hon'ble Court (may deem fit and proper in the interest of justice.”

2. In view of the averments made in the application, the same is allowed



and disposed of accordingly.

3. The affidavit is taken on record.

CRL.M.C. 2666/2024 & CRL.M.A. 10267/2024 (exemption from filing no objection of respondent no. 2)

4. The present petition filed under Section 482 of the Cr.P.C. seeks quashing of FIR No. 10/2023, under Sections 498A/406/354/377/34 of the IPC, registered at P.S. CWC Nanakpura and all other consequential proceedings emanating therefrom, including the chargesheet pending in the Court of Ms. Abhilasha Singh, learned Metropolitan Magistrate, Mahila Court, Dwarka Courts, Delhi.

5. The marriage between petitioner no.1/husband and respondent no.2/wife was solemnized on 10.03.2019, as per Hindu rites and ceremonies. No child was born out of the said wedlock.

6. Due to matrimonial differences between petitioner no. 1 and respondent no. 2, the parties started residing separately from 16.03.2022. Subsequently, respondent no.2/complainant lodged an FIR against petitioner no.1 (husband), petitioner no. 2 (sister-in-law), petitioner no. 3 (father-in-law), petitioner no. 4 (mother-in-law) and petitioner no. 5 (relative).

7. On 20.01.2024, parties arrived at a settlement before the Mediation Centre, Saket Courts, New Delhin and as per the said settlement deed, petitioner no.1 has agreed to pay an amount of Rs. 10,00,000/- 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 deed dated 20.01.2024 has been placed on record as Annexure-D. It is pointed out that an affidavit, dated 02.05.2024, of the respondent no. 2 has been placed on record whereby she



has stated that she has settled the matter with the petitioners and has no objection to the quashing of the present FIR.

8. In terms of the said settlement, the marriage between the parties stands dissolved by a decree of divorce dated 19.02.2024, passed by Ms. Smita Garg, Judge, Family Court-01, South-East, Saket Courts, Delhi (Annexure-E). Further, as per the settlement deed, an amount of Rs. 7,00,000/- 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.

9. Petitioners no. 1, 3 to 5 and complainant/respondent no. 2 are present before the Court and petitioner no. 2 appears through video conferencing and they have been duly identified by their respective counsel, as well as the Investigating Officer, SI Yashpal Singh, P.S. CWC Nanakpura.

10. A demand draft bearing no. 053952, dated 18.03.2024, for Rs. 3,00,000/- drawn on HDFC Bank, has been handed over to the complainant/respondent no.2, who acknowledges the receipt of the same.

11. 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.

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

13. 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.”

14. 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. 10/2023, under Sections 498A/406/354/377/34 of the IPC, registered at P.S. CWC Nanakpura and all other consequential proceedings emanating therefrom, including the chargesheet pending in the Court of Ms. Abhilasha Singh, learned Metropolitan Magistrate, Mahila Court, Dwarka Courts, Delhi.

15. In the interest of justice, the petition is allowed, and the FIR No. 10/2023, under Sections 498A/406/354/377/34 of the IPC, registered at P.S. CWC Nanakpura and all other consequential proceedings emanating therefrom, including the chargesheet pending in the Court of Ms. Abhilasha Singh, learned Metropolitan Magistrate, Mahila Court, Dwarka Courts, Delhi, is hereby quashed.

16. Petition is allowed and disposed of accordingly.

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

AMIT SHARMA, J

MAY 07, 2024/bsr

Click here to check corrigendum, if any