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

+ CRL.M.C. 2860/2024 & CRL.M.A. 10888/2024 (Exemption),
CRL.M.A. 10889/2024 (Exemption)

AMIT KUMAR DAHIYA & ORS.

..... Petitioners

Through: Mr. Rajan Kumar, Adv. for petitioner
no.1 & 2 with petitioners no.1 and 2
in person.
Ms. Prerna Yadav, Adv. for petitioner
no.3 with petitioner no.3 in person.

versus

THE STATE GOVT. NCT OF DELHI & ANR. Respondents

Through: Mr. Sunil Kumar Gautam, APP for
the State with SI Kavish Lakra, P.S.
Inderpuri.
Respondent no.2 in person.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

09.04.2024

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1. The present petition filed under Section 482 Cr.P.C. seeks quashing of FIR No. 398/2022, under Sections 498A/34 IPC, registered at P.S. Inder Puri and all other consequential proceedings emanating therefrom, including the chargesheet pending before the Court of Ms. Komal Garg, learned Metropolitan Magistrate, Patiala House Courts, Delhi.
2. The marriage between petitioner no.1/husband and respondent no.2/wife was solemnized on 18.07.2021 as per Hindu rites and ceremonies.
3. No child was born out of the said wedlock.



4. Due to matrimonial differences between petitioner no. 1 and respondent no. 2, the parties started residing separately from 22.04.2022. Subsequently, respondent no.2/complainant lodged an FIR against petitioner no.1 (husband), petitioner no. 2 (mother-in-law) and petitioner no. 3 (father-in-law). It is pointed out that the chargesheet in the present case was filed on 17.01.2023 under Section 498A/406/34 of the IPC; however, the learned Trial Court *vide* order dated 28.03.2024 discharged the petitioners for the offence punishable under Section 406 of the IPC.

5. On 05.10.2023, parties arrived at a settlement and as per the said settlement deed, petitioner no.1 has agreed to pay an amount of Rs. 9,30,000/- 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 05.10.2023 is on record (Annexure-C).

6. In terms of the said settlement, the marriage between the parties stands dissolved by a decree of divorce dated 05.03.2024, passed by Shri Harish Kumar, Judge, Family Court, Patiala House Courts, New Delhi (Annexure-D). Further, as per the settlement deed, an amount of Rs. 6,00,000/- has already been paid to respondent no.2 and the remaining amount of Rs. 3,30,000/- has been paid to her in Court today, by means of a demand draft.

7. 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, S.I. Kavish Lakra, P.S: Inder Puri.

8. A demand draft bearing no. 835752 dated 09.04.2024 for Rs. 3,30,000/- drawn on UCO Bank, REME Court Compound has been handed



over to the complainant/Respondent No.2, who acknowledges the receipt of the same.

9. 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.

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

11. 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.”

12. 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. 398/2022, under Sections 498A/34 IPC, registered at P.S. Inder Puri and all other consequential proceedings emanating therefrom, including the chargesheet pending before the Court of Ms. Komal Garg, learned Metropolitan Magistrate, Patiala House Courts, Delhi.

13. In the interest of justice, the petition is allowed, and the FIR No. 398/2022, under Sections 498A/34 IPC, registered at P.S. Inder Puri and all



other consequential proceedings emanating therefrom, including the chargesheet pending before the Court of Ms. Komal Garg, learned Metropolitan Magistrate, Patiala House Courts, Delhi is hereby quashed.

14. Petition is allowed and disposed of accordingly.

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

AMIT SHARMA, J

APRIL 9, 2024/nk

Click here to check corrigendum, if any