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

+ **CRL.M.C. 2883/2024**

SH NIKHIL SAWHNEY & ANR. Petitioners

Through: **Mr.Vishal Chopra, Mr.Chetan
Kumar, Mr.Narender Singh,
Advs.**

versus

THE STATE GOVT OF NCT OF DELHI & ANR.

..... Respondents

Through: **Mr.Satinder Singh Bawa, APP
with SI Devinder and SI Pinki
Rana.
R-2 in person.**

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **01.05.2024**

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.0568/2022 registered at Police Station: Paschim Vihar East, Outer-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 a settlement.
2. Issue notice.
3. Notice is accepted by Mr.Satinder Singh Bawa, learned APP, and the respondent no.2 who is present in Court.
4. 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.



5. The learned counsel for the petitioners submits that the parties, that is, the petitioner no.1 and the respondent no.2, have amicably settled all their *inter se* disputes vide Memorandum of Understanding / Settlement agreement dated 11.12.2023.
6. Pursuant to the above settlement, the parties have also obtained Divorce by mutual consent vide Decree of Divorce dated 09.02.2024 passed by the learned Family judge, Family Courts – 02, West District, Tis Hazari Courts, Delhi.
7. The respondent no.2 is present in person and has been duly identified by the Investigating Officer (IO). She submits that all the amounts in terms of the settlement have been received by her except Rs.25,000/-, which she received in Court today by way of Demand Draft.
8. The respondent no.2 affirms that she has settled all the disputes with the petitioners of her own free will and without any coercion. The respondent no.2 submits that she has no objection if the present FIR is quashed.
9. I have perused the contents of the FIR and also the settlement between the parties.
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 above 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.0568/2022 registered at Police Station: Paschim Vihar East, Outer-District, Delhi, under Sections 498A/406/34 of the IPC and all consequential proceedings emanating therefrom against the petitioners are quashed.

NAVIN CHAWLA, J

MAY 1, 2024

RN/ss

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