



2024:DHJ:3975



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 15.04.2024

+ CRL.M.C. 2903/2024

ANIL KUMAR GOTHWAL

..... Petitioner

Through: Mr. Kartickay Mathur and
Mr. Devender Dubey, Advocates with
Petitioner-in-person.

versus

THE STATE OF NCT OF DELHI AND ANR. Respondents

Through: Ms. Kiran Bairwa, APP for State with
SHO / Insp. Rajesh and SI Shailender,
P.S.: Bharat Nagar.
Mr. Bhuvneshwar Sharma, Advocate
for R-2 with Respondent No. 2
through VC and her Father-in-person.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

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J U D G M E N T**ANOOP KUMAR MENDIRATTA, J (ORAL)****CRL.M.A. 11083/2024**

Exemption allowed, subject to just exceptions.

Application stands disposed of.

CRL.M.C. 2903/2024

1. Petition under Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been preferred on behalf of the petitioner for quashing of FIR No. 0168/2018, under Sections 354/506 IPC registered at P.S.: Bharat Nagar and proceedings emanating therefrom. Section 354A IPC was invoked during course of investigation.



2. Issue notice. Learned APP for the State and learned counsel for respondent No. 2 along with respondent No. 2 (through VC) appear on advance notice and accept notice.
3. In brief, as per the case of prosecution, marriage between son of petitioner and respondent No. 2 was solemnized according to Hindu rites and ceremonies on 04.12.2017. No child was born out of the wedlock. On complaint of respondent No. 2, present FIR was registered on 06.05.2018, wherein, she alleged that on 14.02.2018, while she was in her bedroom, petitioner forcibly tried to establish physical relations with her, in the absence of her husband, who had gone out of station.
4. Learned counsel for the petitioner submits that FIR No. 0168/2018 was registered owing to matrimonial disputes between son of the petitioner and his wife (respondent No. 2). Also FIR No. 1144/2018, under Sections 498A/406/34 IPC is stated to have been registered at P.S.: Mangolpuri, on behalf of respondent No. 2.
5. The matrimonial disputes are stated to have been settled vide Memorandum of Understanding dated 24.04.2023. The marriage between son of petitioner and respondent No. 2 is stated to have been dissolved by decree of divorce by way of mutual consent under Section 13B(2) of the Hindu Marriage Act vide judgment dated 04.10.2023.
6. Balance amount of Rs. 2,50,000/- has been paid to the father of respondent No. 2, who has appeared in person, as per instructions of respondent No. 2 (through VC), through DD No. 125806 dated 28.02.2024 drawn on Canara Bank, Delhi Kingsway (GTB Nagar) Branch in favour of respondent No. 2, towards full and final settlement between the parties.
7. Respondent No. 2 (through VC) submits that since all the disputes



have been amicably settled, she does not wish to further proceed with present FIR.

8. Learned APP for the State submits that in view of amicable settlement between the parties, the State has no objection in case the FIR in question is quashed.

9. Petitioner in the present case seeks to invoke the powers under Section 482 of the Code of Criminal Procedure. The same is to be used to secure the ends of justice or to prevent the abuse of process of Court. In which cases, the power to quash the criminal proceedings or the complaint or FIR may be used when the offender as well as victim have settled their dispute, would depend upon the facts and circumstances of each case and no generalized list or categories can be prescribed. However, the Court is required to give due regard to the nature and gravity of the offence and consider the impact on the society.

10. Respondent No. 2 (through VC), Petitioner and father of respondent No. 2 are present in person and have been identified by SHO / Inspector Rajesh, P.S.: Bharat Nagar, Delhi. I have interacted with the parties and they confirm that the matter has been amicably settled between them without any threat, pressure or coercion. Respondent No. 2 also states that nothing remains to be further adjudicated upon between the parties and she has no objection in case the FIR in question is quashed.

11. The allegations cannot be ruled out due to matrimonial disputes between son of petitioner and respondent no. 2. The quashing of proceedings shall help both the son of petitioner and respondent no. 2 to further settle in life and reduce acrimony between the parties. The chances of conviction are also bleak in view of settlement between the



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parties. Considering the facts and circumstances, since the matter has been amicably settled between the parties, no useful purpose shall be served by keeping the case pending. It would be nothing but an abuse of the process of Court. Consequently, FIR No. 0168/2018, under Sections 354/354A/506 IPC registered at P.S.: Bharat Nagar and proceedings emanating therefrom stand quashed.

Petition is accordingly disposed of. Pending applications, if any, also stand disposed of.

A copy of this order be forwarded to the learned Trial Court for information.

ANOOP KUMAR MENDIRATTA, J.

APRIL 15, 2024/R