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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CRL.M.C. 2917/2024 & CRL.M.A. 11147/2024

RAUSHAN DUBEY AND ORS

..... Petitioners

Through: Mr.Vivek Kumar Singh,
Mr.Vipin Singh Bansal, Advs.
with petitioners

versus

THE STATE (N.C.T.) OF DELHI AND ANR Respondents

Through: Mr.Shoaib Haider, APP,
Ms.Amit Diwakar, Adv. with SI
Vijay Kumar.
Ms.Akanksha Mehra, Adv. for
R-2 with R-2 (through VC).

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

17.05.2024

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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.0418/2017 registered at Police Station: Jaitpur, South-East 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 Memorandum of Understanding / settlement on 19.09.2022.



4. Pursuant to the abovementioned settlement, the parties have obtained divorce by mutual consent vide Decree of Divorce dated 01.05.2023 passed by the learned judge, Family Courts-02, South-East District, Saket Courts, Delhi in HMA No.128/2022 titled as ***Kanchan Dubey @ Kanchan Shukla v. Raushan Kumar Dubey.***

5. The petitioner no.1 has also filed an affidavit dated 06.05.2024 which reaffirms the above mentioned settlement between the parties and further states that the settlement between the parties shall, in no manner, prejudice the rights of the minor child born from the wedlock of the petitioner no.1 and the respondent no.2.

6. The Respondent no.2, who appears in court through virtual mode 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. She submits that she has no objection if the present FIR is quashed.

7. I have perused the contents of the FIR and also the Settlement between the parties.

8. Keeping in view the fact that 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.



9. 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.

10. Accordingly, the petition is allowed. FIR No.0418/2017 registered at Police Station: Jaitpur, South-East District, Delhi under Sections 498A/406/34 of the IPC, and all consequential proceedings emanating therefrom against the petitioners are quashed.

11. 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 his legal rights will remain protected and available to him in accordance with law.

NAVIN CHAWLA, J

MAY 17, 2024/Arya/ss

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