



\$~42

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

+ **CRL.M.C. 2946/2024**

AJAY AND ORS

..... Petitioners

Through: Mr.Kartickey Mathur,
Mr.Dinesh Sharma,
Ms.Vaishali Chauhan, Advs.
with petitioners

versus

GOVT OF NCT OF DELHI AND ANR Respondents

Through: Mr. Shoaib Haider, APP with
SI Jatin Kaushik, SI Narender
Singh.
Mr.Siddharth Pandit, Mr.Vipin
Kumar, Ms.Chhaya, Advs. for
R-2 with R-2 in person.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **15.04.2024**

CRL.M.A. 11280/2024 (Exemption)

1. Allowed, subject to all just exceptions.

CRL.M.C. 2946/2024

2. 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.0043/2021 registered at Police Station: Raj Park, Outer District, Delhi under Sections 498A/406/34 of the Indian Penal Code, 1860 (in short, 'IPC') along with all other proceedings arising therefrom, based on a settlement.

3. Issue notice.

4. Notice is accepted by Mr. Shoaib Haider, the learned APP and



by the respondent no.2, who is present in Court.

5. 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.

6. The learned counsel for the petitioners submits that the parties have amicably settled their *inter se* disputes before the Mediator, Delhi Mediation Centre, Rohini District Courts, Delhi and have entered into a settlement vide settlement / agreement dated 29.10.2022 and subsequent agreement executed in the month of March 2023 which is annexed as (Annexure P-3) in the petition.

7. He submits that pursuant to the above settlement between the parties, the petitioner no.1 and respondent no.2 have obtained divorce by way of mutual consent from the learned Principal Judge, Family Courts, Rohini, Delhi vide Decree of Divorce dated 02.06.2023.

8. The respondent no.2, who is present in person in Court and has been duly identified by the Investigating Officer (IO), reaffirms the abovementioned settlement and states that she has settled all the disputes with the petitioners out of her own free will and without any coercion and she does not have any objection if the present FIR is quashed.

9. The petitioners have handed over a Demand Draft of Rs.1,00,000/- to the respondent no.2 in Court in terms of the settlement.

10. I have perused the terms of the settlement and find the same to be lawful.

11. 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 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.

12. 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.

13. Accordingly, the petition is allowed. FIR No.0043/2021 registered at Police Station: Raj Park, Outer District, Delhi under Sections 498A/406/34 of the IPC, along with all the consequential proceedings emanating therefrom against the petitioners are quashed.

NAVIN CHAWLA, J

APRIL 15, 2024/Arya/ss

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