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

+ W.P.(CRL) 1157/2024

SWAHALEEN & ORS.

..... Petitioner

Through: Mr.M.S. Khan & Ms.Shaziya,
Advs. along with petitioner
present in person

versus

STATE NCT OF DELHI & ORS.

..... Respondents

Through: Mr.Sanjay Lao, Standing Counsel
(Crl.) with Mr.Shivesh Kaushik &
Mr.Abhinav Kumar Arya, Advs.
along with SI Omkant Yadav, PS
Hauz Qazi, Delhi.

Ms.Shantha Devi Raman,
Mr.Mukesh & Mr.Mayank Ranjan
Yadav, Advs. for R-3.

Respondent no.3 present in
person.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **15.04.2024**

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. 0158/2019 registered at Police Station: Hauz Qazi, Central 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.

2. Issue notice.

3. Notice is accepted by Mr.Sanjay Lao, Standing Counsel for the State/respondent nos.1 and 2 and by Ms.Shantha Devi Raman, learned counsel for the respondent no.3.

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. 3.

5. The learned counsel for the petitioners submits that the parties have amicably settled their *inter se* disputes and have entered into a settlement vide Settlement Agreement dated 08.07.2023, before the Delhi Mediation Centre, Tis Hazari Courts, Delhi. Pursuant to the abovementioned settlement, a *Talaknama* has been executed between the petitioner no.1 and respondent no.3 on 22.01.2024.

6. The petitioner no.1, who is personally present in Court, undertakes that the interest of the child from the wedlock shall be protected and shall be, in no manner, prejudiced by the abovementioned settlement arrived at between the parties.

7. The respondent no.3, who is personally present in Court and has been duly identified by the Investigating Officer (IO), re-affirms the settlement and states that she has settled all the disputes with the petitioners of her own free will and without any coercion. The respondent no.3 submits that she does not have any objection if the present FIR is quashed.

8. The petitioner no.1 has handed over a Demand Draft of Rs.2,00,000/- (Rupees Two Lakhs Only) to the respondent no.3 in Court.

9. I have perused the contents of the FIR as also the settlement arrived at between the parties.

10. As the disputes between the parties arose out of a matrimonial relationship, and now the same have been amicably resolved, and the fact that a *Talaknama* has already been executed pursuant to the



settlement; and 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 as 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. The petitioner no.1 shall remain bound by the aforesaid undertaking. He has also signed this order as a token of his acceptance and consent to the abovementioned undertaking.

13. Accordingly, binding the petitioner to the abovementioned undertaking, the petition is allowed. FIR No. 0158/2019 registered at Police Station: Hauz Qazi, Central under Sections 498A/406/34 of the IPC and all consequential proceedings emanating therefrom against the petitioners are quashed.

NAVIN CHAWLA, J

APRIL 15, 2024/rv/am

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