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

+ **W.P.(CRL) 1177/2024**

BHAVNA SHARMA

..... Petitioner

Through: Mr. Parminder Singh Goindi, Adv.

versus

THE STATE OF NCT OF DELHI & ANR. Respondents

Through: Mr. Amol Sinha, ASC for State with
Mr. Kshitiz Garg and Mr. Ashvini
Kumar, Advs. with ASI Mukesh
Kumar PS Sabzi Mandi
Mr. Tarun, Adv. for Respondent.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

17.05.2024

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1. The present petition has been filed under Section 226 of Constitution of India read with Section 482 CrPC seeking quashing of FIR No.591/2022 under Section 3(1)(r)/ 3(1)(s) of SC/ST (Prevention of Atrocities) Act 1989 registered at Police Station Sabzi Mandi and all consequential proceedings emanating therefrom on the ground that the parties have arrived at a settlement.
2. Issue notice. The learned ASC for the State accepts notice. He submits that since the FIR is an outcome of a matrimonial dispute and the parties have arrived at a settlement, the State has no objection in case the FIR in question is quashed.
3. The petitioner (former wife), as well as, respondent no. 2 (former mother-in-law) of the petitioner, are present in the Court and they have been identified by their respective counsel and by the Investigating Officer ASI Mukesh Kumar PS Sabzi Mandi.



4. The brief facts of the case are that the marriage between the petitioner and son of respondent no. 2 was solemnized on 27.02.2009 according to Hindu Rites and Customs. Out of the said wedlock, no child was born.
5. On account of temperamental issues certain disputes arose between the parties and they started living separately w.e.f. 02.02.2020. The dispute between the parties also led to the registration of present FIR at the instance of the respondent no. 2.
6. During the pendency of the proceedings, the parties were referred to Delhi Mediation Centre, Tis Hazari Courts, Delhi where they arrived at a settlement, terms whereof were reduced in writing in the form of Settlement dated 18.08.2023, which is annexed as Annexure P3 to the present petition.
7. In terms of the said settlement, the petitioner and son of respondent no. 2 decided to dissolve their marriage by filing a petition for divorce by way of mutual consent. Accordingly, the petitioner and son of respondent no.2 have obtained a decree of divorce dated 27.02.2024, which is annexed as Annexure P4 to the present petition.
8. It is a term of the settlement between the parties that the son of respondent no. 2 shall pay a total sum of Rs.16,50,000/- to the petitioner towards full and final settlement of all her claims on account of *streedhan*, permanent alimony, dowry articles, maintenance (past, present and future) etc. The said amount has already been paid by son of the respondent no. 2 to the petitioner.
9. The receipt of entire amount of Rs.16,50,000/- is acknowledged by the petitioner, who is present in court.
10. The respondent no.2, on a query put by the Court, states that she has no objection in case the FIR is quashed.



11. At this stage, apt would it be to refer to the observations of the Supreme Court in *Gian Singh v. State of Punjab*, (2012) 10 SCC 303: (SCC p. 340, para 58)

“58. Where the High Court quashes a criminal proceeding having regard to the fact that the dispute between the offender and the victim has been settled although the offences are not compoundable, it does so as in its opinion, continuation of criminal proceedings will be an exercise in futility and justice in the case demands that the dispute between the parties is put to an end and peace is restored; securing the ends of justice being the ultimate guiding factor.”

12. In view of the settlement between the parties, the ultimate chances of conviction in the case are bleak, therefore, continuation of criminal proceedings will not serve any useful purpose and it will be an exercise in futility.

13. It is, thus, in the interest of justice that the present FIR and all the other proceedings emanating therefrom be quashed.

14. Consequently, the petition is allowed and the FIR No.591/2022 under Section 3(1)(r)/ 3(1)(s) of SC/ST (Prevention of Atrocities) Act 1989 registered at Police Station Sabzi Mandi along with all other consequential proceedings emanating therefrom, is quashed.

15. The petition stands disposed of in the above terms.

16. Order be uploaded on the website of this Court.

VIKAS MAHAJAN, J

MAY 17, 2024

N.S. ASWAL