



\$~58

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 3026/2024**
SH. ROHIT BUTOLA & ORS.

..... Petitioners

Through: Mr.Sushil Kumar, Adv. along
with petitioners in person.

versus

STATE GOVT. OF NCT OF DELHI AND ANR.

..... Respondents

Through: Mr. Shoaib Haider, APP with
Ms.Tripti Mishra, Adv. along
with SI Vijay Pal Singh
Mr.K.Gireesh Kumar, Adv. for
R-2 (through VC)
Mr.Ashish Kumar Sen, SPA of
R-2 in person.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **22.04.2024**
CRL.M.A. 11665/2024 (Exemption)

1. Allowed, subject to all just exceptions.

CRL.M.C. 3026/2024

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.11/2016 registered at Police Station: CWC, Nanakpura, New 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, learned APP, and by Mr. K. Gireesh Kumar, Advocate for the respondent no.2.
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 settled their *inter se* disputes and pursuant to the settlement between the parties, the petitioner no.1 and the respondent no.2 have obtained a decree of divorce by way of mutual consent from the learned Judge, Family Courts, South East District, Saket Courts, New Delhi, vide Decree of Divorce dated 19.08.2019.
7. Mr. Ashish Kumar Sen, the Special Power of Attorney holder of respondent no.2, who is present in person and has been identified by the IO, reaffirms the abovementioned settlement and states that respondent no.2 has settled all her disputes with the petitioners out of her own free will, without any coercion, and she does not have any objection if the FIR and the proceedings arising therefrom are quashed.
8. I have perused the contents of the FIR and Charge Sheet in the present case.
9. 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.

10. 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.

11. Accordingly, the petition is allowed. FIR No.11/2016 registered at Police Station: CWC, Nanakpura, New Delhi, under Sections 498A/406/34 of the IPC, and all the consequential proceedings emanating therefrom against the petitioners are quashed.

NAVIN CHAWLA, J

APRIL 22, 2024/ns/am

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