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

(77)+ CRL.M.C. 3031/2024

SH SANDEEP KUMAR AND ANR

..... Petitioners

Through: Mr.Abhishek Kumar Arora &
Ms.Rushali Manchanda, Advs.
along with petitioners present in
person.

versus

THE STATE NCT OF DELHI AND ANR.

..... Respondents

Through: Mr.Satinder Singh Bawa, APP.
SI Naresh Kumar & SI Savita,
PS Baba Haridas Nagar.

(81) CRL.M.C. 3063/2024

SH SANDEEP KUMAR AND ANR

..... Petitioners

Through: Mr.Abhishek Kumar Arora &
Ms.Rushali Manchanda, Advs.
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THE STATE NCT OF DELHI AND ANR

..... Respondents

Through: Mr.Satinder Singh Bawa, APP.
SI Naresh Kumar & SI Savita,
PS Baba Haridas Nagar.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **23.04.2024**

CRL.M.A. 11697/2024 (Exemption) in CRL.M.C. 3031/2024

CRL.M.A. 11831/2024 (Exemption) in CRL.M.C. 3063/2024

1. Allowed, subject to all just exceptions.



CRL.M.C. 3031/2024

CRL.M.C. 3063/2024

2. These petitions have been filed under Section 482 of the Code of Criminal Procedure, 1973 (in short, 'Cr.P.C.') seeking quashing of FIR No. 246/2019 registered at Police Station: Baba Haridas Nagar, Dwarka District, Delhi under Sections 498-A/406/34 of the Indian Penal Code, 1860 (in short, 'IPC') (in CRL.M.C. 3031/2024) and FIR No. 121/2018 Registered at Police Station: Baba Haridas Nagar, Dwarka District, Delhi under Sections 323/342/328/506/34 of the IPC (in CRL.M.C. 3063/2024), along with all other proceedings arising therefrom, on the basis of settlement.

3. Issue notice.

4. Notice is accepted by Mr.Satinder Singh Bawa, learned APP for the State.

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. He submits that the parties have amicably settled their *inter se* disputes and have entered into a Settlement Deed dated 30.01.2023.

7. Pursuant to the above-mentioned settlement, the learned Additional Principal Judge, Family Courts, South West District, Dwarka Courts, New Delhi has granted a Decree of Divorce dated 16.12.2023 to the parties, that is, the petitioner no.1 and the respondent no.2.

8. The petitioner no.1 has also filed an affidavit dated 23.04.2024 stating that the settlement arrived at between them, that is, the



petitioner no.1 and respondent no.2, shall in no manner prejudice the rights of the minor child born from their wedlock. The petitioner no.1 is bound by the statement so made. The affidavit be also taken on record.

9. The respondent no.2, who is personally present in Court 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. The respondent no.2 submits that she does not wish to pursue the proceedings emanating from the FIR any further and has no objection if the present FIR is quashed.

10. The learned counsel for the petitioners has also handed over Rs.1,00,000/- (Rupees One Lakhs Only) by way of a Demand Draft and Rs.1,00,000/- (Rupees One Lakhs Only) in cash to the respondent no.2.

11. I have perused the contents of the FIR and considered the submissions made.

12. Keeping in view the fact that the disputes between the parties arose out of a matrimonial relationship and such disputes have been amicably settled by way of the Settlement Agreement dated 30.01.2023, pursuant where to the petitioner no.1 and the respondent no.2 have also been granted a Decree of Divorce by the learned Family Court, in my view, 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.



13. 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.

14. Accordingly, the petition is allowed. FIR No. 246/2019 registered at Police Station: Baba Haridas Nagar, Dwarka District, Delhi under Sections 498-A/406/34 of the IPC (in CRL.M.C. 3031/2024) and FIR No. 121/2018 Registered at Police Station: Baba Haridas Nagar, Dwarka District, Delhi under Sections 323/342/328/506/34 of the IPC (in CRL.M.C. 3063/2024), and all consequential proceedings emanating therefrom against the petitioners are quashed.

15. 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 her legal rights will remain protected and available to her in accordance with law.

NAVIN CHAWLA, J

APRIL 23, 2024/rv

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