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

+ CRL.M.C. 3177/2024 & CRL.M.A. 12254/2024 (Stay), 12256/2024 (exemption), CRL.M.A. 12255/2024 (Exemption)

ALOK SHEEL

..... Petitioner

Through: Mr. Mukesh Kumar Mishra,
Advocate alongwith petitioner in person.

versus

STATE OF NCTD & ANR.

..... Respondents

Through: Mr. Sunil Kumar Gautam, APP for the State.
SI Asmita and SI Baleshwar, PS Najafgarh.
R-2 through VC. Counsel appearance not given.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER
25.04.2024

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1. The present petition filed under Section 482 of the Cr.P.C. read with Article 227 of the Constitution of India seeks quashing of the FIR No. 226/2019, under Sections 498A/406/34 of the IPC, registered at P.S. Najafgarh and all other consequential proceedings emanating therefrom, including the chargesheet pending before the court of Ms. Divya Yadav, learned Metropolitan Magistrate, Mahila Court, Dwarka Courts, Delhi.
2. The marriage between petitioner no.1/husband and respondent no.2/wife was solemnized on 17.02.2016 as per Hindu rites and ceremonies.
3. No child was born out of the said wedlock.
4. Due to matrimonial differences between petitioner no. 1 and respondent no. 2, the parties started residing separately from 03.03.2017



Subsequently, respondent no.2/complainant lodged an FIR against the petitioner.

5. On 16.04.2021, parties gave a joint statement before learned Principal Judge, South-West district, Dwarka Courts, and arrived at a settlement and as per the said settlement, respondent no.2/wife seeks no monetary consideration towards her claims including *istridhan*, permanent alimony and maintenance - present, past and future. The copy of the aforesaid joint statement dated 16.04.2021 is on record (Annexure P-2).

6. In terms of the said settlement, the marriage between the parties stands dissolved by a decree of divorce dated 31.08.2021, passed by Shri Mr. Sanjay Garg-I, Principal Judge, South-West district, Dwarka Courts, Delhi (Annexure P-3).

7. Petitioners and complainant/respondent no. 2 are present before the Court and have been duly identified by their respective counsel, as well as the Investigating Officer, SI Asmita, PS Najafgarh.

8. The complainant/respondent No.2 states that the matter has been settled with the petitioners and she has no objection if the FIR is quashed.

9. In view of the settlement between the parties, learned APP for the State also has no objection if the present FIR is quashed.

10. In *Gian Singh v. State of Punjab*, (2012) 10 SCC 303, the Hon'ble Supreme Court has recognized the need of amicable resolution of disputes by observing as under:-

“61. ... In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceedings or continuation of criminal proceedings would tantamount to abuse of process of law despite settlement and compromise between the victim and the wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to



an end and if the answer to the above question(s) is in the affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.”

11. In view of the aforesaid circumstances, and the fact that the parties have put a quietus to the dispute, no useful purpose will be served in continuing with the present FIR No. 226/2019, under Sections 498A/406/34 of the IPC, registered at P.S. Najafgarh and all other consequential proceedings emanating therefrom, including the chargesheet pending before the court of Ms. Divya Yadav, learned Metropolitan Magistrate, Mahila Court, Dwarka Courts, Delhi.

12. In the interest of justice, the petition is allowed, and the FIR No. 226/2019, under Sections 498A/406/34 of the IPC, registered at P.S. Najafgarh and all other consequential proceedings emanating therefrom, including the chargesheet pending before the court of Ms. Divya Yadav, learned Metropolitan Magistrate, Mahila Court, Dwarka Courts, Delhi, is hereby quashed.

13. Petition is allowed and disposed of accordingly.

14. Pending application(s), if any, also stand disposed of.

AMIT SHARMA, J

APRIL 25, 2024/sn

Click here to check corrigendum, if any