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

+ **CRL.M.C. 3189/2024**

RAJEEV JAIN & ORS.

..... Petitioners

Through: Mr.Deekshant Kaushik, Mr.Kamal
Jindal, Mr.Amit Kumar and
Mr.Shobhit Katyal., Advs.

versus

STATE (GOVT. OF NCT DELHI) & ANR.

..... Respondents

Through: Ms.Kiran Bairwa, APP for the State
with SI Sachin Kumar PS Jagatpuri.
ASI Shiv Kumar Solanki PS Geeta
Colony.
Mr.Trilok Singh, Mr.Satyender
Kumar, Mr.M.C.Bisht and Mr.Manish
Kumar, Advs for Complainant.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER
25.04.2024

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CRL.M.A. 12318/2024 (Ex.)

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

CRL.M.C. 3189/2024

1. By way of the present petition, the petitioners seek quashing of FIR No.298/2022 under Sections 498A/406/34 of the Indian Penal Code, 1860 registered at Police Station Jagatpuri, Delhi and the proceedings emanating therefrom.



2. Petitioner No.1 along with respondent No.2 are present in Court and petitioner Nos.2 to 4 have joined the proceedings through video conferencing mode. The parties have been identified by their respective counsel as well as by the Investigating Officer.

3. A perusal of the facts would show that the marriage of petitioner No.1 with respondent No.2 was solemnized according to Hindu rites and rituals on 10.10.2010 and out of their wedlock a baby boy, *Varun Jain* was born on 30.01.2013. However, on account of certain temperamental issues and differences, they started living separately since 20.06.2020. On 13.05.2022, the FIR in question was lodged by respondent No.2 against the petitioners and during the pendency of the proceedings, petitioner No.1 realised that it would not be possible for them to continue their matrimonial relations. They, therefore, decided to part their ways.

4. Learned counsel appearing on behalf of the parties submit that with the intervention of the family members and well wishers, the parties have entered into a settlement *vide* Settlement Deed dated 27.07.2023 (*Annexure P-3*) before Delhi Mediation Centre, Karkardooma District Courts, Delhi. In terms of the settlement, it was agreed that a sum of Rs.20,00,000/- and first, second and third floors of property bearing No.H-1/3, Krishna Nagar, Delhi-110051 ad measuring 116 sq. yards by petitioner No.1 to respondent No.2 as full and final settlement towards her claims *qua* maintenance, *stridhan*, alimony, etc.

5. Respondent No.2, who is present in the Court submits that she has entered into the aforesaid settlement with her own free will, volition and without any coercion. She further states that she has no objection if the present FIR and consequent proceedings are quashed, as she is left with no



claim against the petitioners.

6. Today, both the parties undertake that the settlement arrived at between them is only *qua* respondent No.2 and shall in no way obstruct the rights of their minor son namely *Varun Jain* and the same shall not affect the rights of the child as available to him, in accordance with law.

7. The statement and undertaking given on behalf of the parties is taken on record and they are held bound by the same.

8. Taking into consideration the overall facts and circumstances of the case and the fact that the parties have arrived at an amicable settlement voluntarily, without any force, therefore, under such circumstances and in view of the law laid down by the Hon'ble Supreme Court in the matters of *B.S. Joshi & Ors v. State of Haryana & Anr.*¹, *Gian Singh v. State of Punjab*² and *Jitendra Raghuvanshi & Ors. v. Babita Raghuvanshi & Anr.*³, there is no reason as to why genuine settlement between the parties of a matrimonial dispute shall not be encouraged.

9. Hence, the FIR No.298/2022 under Sections 498A/406/34 of the Indian Penal Code, 1860 registered at Police Station Jagatpuri, Delhi and the proceedings emanating therefrom are hereby quashed.

10. The petition is accordingly disposed of.

PURUSHAINDRA KUMAR KAURAV, J.

APRIL 25, 2024/MJ

¹ (2003) 4 SCC 675

² (2012) 10 SCC 303

³ (2013) 4 SCC 58