



\$~15

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 3218/2024**
JAGDEV CHAUHAN & ORS.

..... Petitioners

Through: Mr.Surinder Singh, Adv. with
Petitioners present in person.

versus

STATE OF NCT OF DELHI & ANR.

..... Respondents

Through: Mr.Shoaib Haider, APP.
W/SI Damini, PS Vikaspuri.
Respondent no.2 present in
person.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **13.05.2024**

1. 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.144/2009 registered at Police Station: Vikaspuri, West-District, Delhi under Sections 498A/406/34 of the Indian Penal Code, 1860 (in short, 'IPC'), along with all other proceedings arising therefrom, on the basis of settlement.

2. 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.

3. He submits that the parties have amicably settled their *inter se* disputes and have entered into a Settlement Agreement dated 04.05.2016.



Pursuant to the above-mentioned settlement, the parties have obtained divorce by mutual consent vide Decree of Divorce dated 13.03.2019 passed by the learned Judge (West-District), Family Courts, Tis Hazari Courts, Delhi in HMA No.187 of 2019 titled as ***Ms. Rosy Chauhan v. Sh.Jagdev Chauhan.***

4. The petitioner no.1 has also filed an additional affidavit 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. Though the affidavit is not on record, a copy thereof has been handed over by the counsel for the petitioners. The same is taken on record. The petitioner no.1 is bound by the statement so made.

5. 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.

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

7. 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 04.05.2016, pursuant whereunto 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.

8. 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.

9. Accordingly, the petition is allowed. FIR No.144/2009 registered at Police Station: Vikaspuri, West-District, Delhi under Sections 498A/406/34 of the IPC, and all consequential proceedings emanating therefrom against the petitioners are quashed.

10. 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 his legal rights will remain protected and available to him in accordance with law.

NAVIN CHAWLA, J

MAY 13, 2024/rv/ss

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