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

+ **CRL.M.C. 3261/2024**

HARVINDER SINGH GUJRAL & ORS. Petitioners

Through: Mr. Navneet Sharma, Mr. Ayush Garg & Mr. Sajan Kumar, Advocates
alongwith petitioners in person.

versus

**STATE/ NCT OF DELHI THROUGH SHO PS. RAJOURI
GARDEN & ANR. Respondents**

Through: Mr. Sunil Kumar Gautam, APP for
the State with SI Pardeep Kumar, P.S.
Rajouri Garden.
Mr. R.S. Sahni, Advocate for R-2
alongwith R-2 in person.

**CORAM:
HON'BLE MR. JUSTICE AMIT SHARMA**

ORDER

% **26.04.2024**

CRL.M.A. 12575/2024 (Exemption)

1. Exemption allowed, subject to just exceptions.
2. The application is accordingly disposed of.

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3. The present petition under Section 482 Cr.P.C. seeks quashing of FIR No. 1038/2015, under Sections 406/498A/34 of the IPC, registered at P.S. Rajouri Garden, Delhi and all other consequential proceedings emanating therefrom, including the chargesheet filed and pending before the Court of Ms. Akansha Gautam, learned Metropolitan Magistrate, Tis Hazari Courts, Delhi.



4. The marriage between the petitioner/husband and the respondent no.2/wife was solemnized on 02.11.1997 as per Sikh rites and customs and one male child was born out of the said wedlock, who has now attained majority.

5. Due to matrimonial differences between petitioner no. 1 and respondent no. 2, the parties started residing separately from June 2014. Subsequently, respondent no.2/complainant lodged an FIR against the petitioner no. 1(husband), petitioner no. 2 (Sister-in-law), petitioner no. 3(sister-in-law), petitioner no. 4(brother-in-law) and petitioner no. 5 (mother-in-law).

6. On 09.02.2024, parties arrived at a settlement *vide* Memorandum of Understanding (MoU) dated 09.02.2024 and as per the said MoU, petitioner no. 1 has agreed to pay an amount of Rs. 80,00,000/- to the respondent no.2/wife towards full and final settlement of all her claims including *istridhan*, permanent alimony and maintenance - present, past and future.

7. In terms of the said settlement, the marriage between the parties stands dissolved by a decree of divorce dated 16.03.2024, passed by Sh. Vinay Kumar Khanna, Principal Judge, Family Courts, West, Tis Hazari Courts, Delhi. Further, as per the settlement, an amount of Rs. 70,00,000/- has already been paid to respondent no.2 and the remaining amount of Rs. 10,00,000/- has been paid to her in Court today, by means of a demand draft.

8. 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 Pardeep Kumar, P.S. Rajouri Garden.

9. A Demand Draft bearing no. 170842, dated 07.02.2024 for Rs.



10,00,000/- drawn on Indian Bank, Tihar Jail, Delhi has been handed over to the Complainant/Respondent no.2, who acknowledges the receipt of the same.

10. 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 against the petitioners. She further states that all the terms of the settlement have been complied with.

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

12. In *Gian Singh v. State of Punjab* (2012) 10 SCC 303, 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 proceedings.”

13. 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 FIR No. 1038/2015, under Sections 406/498A/34 of the IPC, registered at P.S. Rajouri Garden, Delhi and all other consequential proceedings emanating therefrom, including the chargesheet filed and pending before the Court of Ms. Akansha Gautam, learned Metropolitan Magistrate, Tis Hazari Courts, Delhi.



14. In the interest of justice, the petition is allowed, and the FIR No. 1038/2015, under Sections 406/498A/34 of the IPC, registered at P.S. Rajouri Garden, Delhi and all other consequential proceedings emanating therefrom, including the chargesheet filed and pending before the Court of Ms. Akansha Gautam, learned Metropolitan Magistrate, Tis Hazari Courts, Delhi, is hereby quashed.

15. Petition is allowed and disposed of accordingly.

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

AMIT SHARMA, J

APRIL 26, 2024/bsr

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