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

+ **CRL.M.C. 3085/2024**

KAMAL RAJ & ANR.

..... Petitioners

Through: Mr. Naveen Kumar, Advocate
alongwith petitioners in person.

versus

STATE & ANR.

..... Respondents

Through: Mr. Sunil Kumar Gautam, APP for
the State with SI Chetan, P.S.
Swaroop Nagar.
Mr. S.K. Mittal, Mr. Rahul Kumar
Pandit, Mr. Harish Kumar, Ms.
Suman, Advocates for R-2 alongwith
R-2 in person.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

24.04.2024

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1. The present petition under Section 482 of the Cr.P.C. seeks quashing of FIR No. 338/2018, under Sections 498A/406/34 of the IPC, registered at P.S. Swaroop Nagar, Delhi and all other consequential proceedings emanating therefrom, including the chargesheet filed and pending before the Court of Ms. Preeti, learned Metropolitan Magistrate, Mahila Court, North, Rohini Courts, Delhi.
2. The marriage between the petitioner no.1/husband and the respondent no.2/wife was solemnized on 28.09.2014 as per Hindu Rites and Customs and one male child was born out of the said wedlock.
3. Due to matrimonial differences between petitioner no. 1 and respondent no. 2, the parties resided separately from 08.10.2017.



Subsequently, respondent no.2/complainant lodged an FIR against the petitioner no. 1 (husband) and petitioner no. 2 (sister-in-law).

4. On 10.04.2023, parties arrived at a settlement before Counselling Cell, Family Courts, North, Rohini Courts, Delhi (Annexure P-3). As per the said settlement, petitioner no.1 has agreed to pay an amount of Rs. 1,00,000/- 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.

5. In terms of the said settlement, the marriage between the parties stands dissolved by a decree of divorce dated 31.07.2023, passed by Sh. Sanjay Jindal, Judge, Family Court No. 3, North District, Rohini Courts, Delhi (Annexure P-4). Further, as per the settlement, an amount of Rs. 75,000/- has already been paid to respondent no.2 and the remaining amount of Rs. 25,000/- has been paid to her in Court today, by means of a demand draft. As per the said settlement, custody of the minor child will be with the respondent no. 2 and the petitioner no. 1 will have visitation rights on every 2nd Saturday of every month near to respondent no. 2's residence.

6. 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 Chetan, P.S. Swaroop Nagar.

7. A Demand Draft bearing no. 836348, dated 10.01.2024, for Rs. 25,000/- drawn on Federal Bank, Ghaziabad, has been handed over to the Complainant/Respondent No.2, who acknowledges the receipt of the same.

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 against the petitioners. She further states that all the terms of the settlement



have been complied with.

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, 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.”

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. 338/2018, under Sections 498A/406/34 of the IPC, registered at P.S. Swaroop Nagar, Delhi and all other consequential proceedings emanating therefrom, including the chargesheet filed and pending before the Court of Ms. Preeti, learned Metropolitan Magistrate, Mahila Court, North, Rohini Courts, Delhi.

12. In the interest of justice, the petition is allowed, and the FIR No. 338/2018, under Sections 498A/406/34 of the IPC, registered at P.S. Swaroop Nagar, Delhi and all other consequential proceedings emanating therefrom, including the chargesheet filed and pending before the Court of Ms. Preeti, learned Metropolitan Magistrate, Mahila Court, North, Rohini Courts, Delhi, is hereby quashed.



13. It is however directed that this order shall not come in the way of the minor child in claiming his rights of inheritance, maintenance, educational & marriage expenses, etc. against any of the parties.
14. Petition is allowed and disposed of accordingly.
15. Pending application(s), if any, also stand disposed of.

AMIT SHARMA, J

APRIL 24, 2024/bsr

Click here to check corrigendum, if any