



\$~79

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

+ **CRL.M.C. 3324/2024 & CRL.M.A. 12808/2024 Exemption**

ASHA RANI ARORA & ANR.

..... Petitioners

Through: Mr. Manmohan Kr., Mr. Vaibhav,
Mr. Gurlinder Singh, Ms. Sangita &
Mr. Y.R. Sharma, Advs. with
petitioners in person.

versus

THE STATE GOVT. OF NCT OF DELHI AND ANR.

..... Respondents

Through: Mr. Sunil Kumar Gautam, APP for
the State with SI Sachin Dhama, P.S.
Shalimar Bagh.
Mr. Amandeep Singh, adv for
respondent no. 2 (through VC).
R-2 in person.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

29.04.2024

%

1. The present petition under Section 482 Cr.P.C. seeks quashing of FIR No. 542/2020, under Section 498A/406/34 IPC, registered at PS Shalimar Bagh, Delhi and all other consequential proceedings emanating therefrom, including the chargesheet filed and pending before the Court of Ms. Kanika Jain, learned Metropolitan Magistrate, Mahlia Court, North-West District, Rohini Courts, Delhi.

2. The marriage between the petitioner no.1/husband and the respondent no.2/wife was solemnized on 02.10.2009 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 started residing separately in 2019. Subsequently, respondent no.2/complainant lodged a complaint against her husband, Deepak Chhabra, who has since passed away, petitioner no. 1 (mother-in-law) and petitioner no. 2 (sister-in-law).

4. It is submitted that during the pendency of the aforesaid FIR, the husband of respondent no.2 has since passed away on 15.11.2022 and after his death, the Divorce petition under Section 13(1)(ia) of HMA filed by respondent no. 2 was rendered infructuous and hence, it was withdrawn. It is pointed out that an affidavit, dated 02.04.2024, of the respondent no. 2 has been filed whereby she has stated that she has settled her disputes with the petitioners out of her own free will and without any fear, coercion, undue influence or threat from any person and has no-objection if the present FIR is quashed.

5. On 03.01.2024, parties arrived at a settlement and as per the said settlement deed, both the parties have agreed to settle their disputes amicably. The petitioner no. 1 had agreed to withdraw the Civil Suit No. 849/2019 and the respondent no. 2 had agreed to withdraw her complaint (Ct. Case No. 18200/2019) filed under Section 12 of the Protection of Women from Domestic Violence Act, 2005. The petitioners and the respondent further undertook to abide by their reciprocal obligations as agreed in the aforesaid settlement deed. A copy of the aforesaid settlement has been placed on record as Annexure P-5(colly).

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 Sachin Dhama, P.S. Shalimar Bagh.



7. 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.

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

9. 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.”

10. 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 of FIR No. 542/2020, under Section 498A/406/34 IPC, registered at PS Shalimar Bagh, Delhi and all other consequential proceedings emanating therefrom, including the chargesheet filed and pending before the Court of Ms. Kanika Jain, learned Metropolitan Magistrate, Mahlia Court, North-West District, Rohini Courts, Delhi.

11. In the interest of justice, the petition is allowed, and the of FIR No. 542/2020, under Section 498A/406/34 IPC, registered at PS Shalimar Bagh, Delhi and all other consequential proceedings emanating therefrom,



including the chargesheet filed and pending before the Court of Ms. Kanika Jain, learned Metropolitan Magistrate, Mahlia Court, North-West District, Rohini Courts, Delhi, is hereby quashed.

12. 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.

13. Petition is allowed and disposed of accordingly.

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

AMIT SHARMA, J

APRIL 29, 2024/nk

Click here to check corrigendum, if any