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

+ CRL.M.C. 3386/2024 & CRL.M.A. 13017/2024 (exemption)

PAWAN KUMAR & ORS.

..... Petitioners

Through: Mr. Daya Ram Badalia, Mr.
Amardeep Singh and Ms. Sewika
Kumari, Advocates alongwith
petitioners in person.

versus

THE STATE, GOVERNMENT OF NATIONAL
CAPITAL TERRITORY OF DELHI & ANR.

..... Respondents

Through: Mr. Sunil Kumar Gautam, APP for
the State.
SI Brahm Prakash and SI Himika T.,
PS Sultanpuri.
Mr. K.S. Rana, Mr. Pardeep Kumar
and Mr. Udit Singh Rana, Advocates
for R-2 alongwith R-2 in person.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

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30.04.2024

1. The present petition under Section 482 Cr.P.C. seeks quashing of FIR No. 872/2018, under Section 498A/406/34 of the IPC, registered at PS Sultanpuri, Delhi and all other consequential proceedings emanating therefrom, including the chargesheet filed and pending before the Court of Ms. Preeti Rajoria, learned Metropolitan Magistrate, Mahila Court, North-West District, Rohini Court, New Delhi.
2. The marriage between the petitioner no.1/husband and the respondent no.2/wife was solemnized on 20.02.2002 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 from 30.11.2015. Subsequently, respondent no.2/complainant lodged an FIR against petitioner no. 1 (husband), petitioner no. 2 (mother-in-law), petitioner no. 3 (sister-in-law) and petitioner no. 4 (brother-in-law).

4. On 28.06.2023, parties arrived at a settlement *vide* Memorandum of Understanding and as per the said settlement deed, petitioner no.1 has agreed to pay an amount of Rs. 10,00,000/- 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. It is pointed out that the child born out of the said wedlock has attained majority.

5. In terms of the said settlement, the marriage between the parties stands dissolved by a decree of divorce dated 25.10.2023, passed by Ms. Nivedita Anil Sharma, Principal Judge, Family Court (North), Rohini Courts, Delhi. Further, as per the settlement deed, an amount of Rs. 7,00,000/- has already been paid to respondent no.2 and the remaining amount of Rs. 3,00,000/- has been paid to her in Court today, by means of a demand draft.

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 Brahm Prakash PS Sultanpuri.

7. A Demand Draft bearing no. 101499 dated 19.03.2024 for Rs. 3,00,000/- drawn on Canara Bank, Narela-II Branch, Delhi, 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. 872/2018, under Section 498A/406/34 of the IPC, registered at PS Sultanpuri, Delhi and all other consequential proceedings emanating therefrom, including the chargesheet filed and pending before the Court of Ms. Preeti Rajoria, learned Metropolitan Magistrate, Mahila Court, North-West District, Rohini Court, New Delhi.

12. In the interest of justice, the petition is allowed, and the FIR No. 872/2018, under Section 498A/406/34 of the IPC, registered at PS Sultanpuri, Delhi and all other consequential proceedings emanating therefrom, including the chargesheet filed and pending before the Court of Ms. Preeti Rajoria, learned Metropolitan Magistrate, Mahila Court, North-West District, Rohini Court, New Delhi, is hereby quashed.

13. It is however directed that this order shall not come in the way of the child in claiming his rights of inheritance, maintenance, educational and 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 30, 2024/sn

Click here to check corrigendum, if any