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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
(92) CRL.M.C. 3390/2024
SUSHANT GUPTA

..... Petitioner
Through: Ms.Sindhu Sakkarwal,
Mr.Hitender Sakkarwal &
Mr.Mohit Kumar Tongaria,
Adv.
Petitioner present in person.

versus
THE STATE NCT OF DELHI AND ANR.

..... Respondents
Through: Mr. Shoaib Haider, APP.
SI Jagdeep Sandhu, PS South
Rohini.
Mr.Kuldeep Kumar & Mr.Navy
Charlie, Adv. for R-2.
Respondent no.2 present in
person.

(93)+ CRL.M.C. 3391/2024
SUSHANT GUPTA AND OTHERS

..... Petitioners
Through: Ms.Sindhu Sakkarwal,
Mr.Hitender Sakkarwal &
Mr.Mohit Kumar Tongaria,
Adv. for P-1, P-2 & P-3.
Petitioners present in person.

versus
THE STATE NCT OF DELHI AND ANR.

..... Respondents
Through: Mr. Shoaib Haider, APP.
SI Shalu, PS Gazipur.
Mr.Kuldeep Kumar & Mr.Navy
Charlie, Adv. for R-2.
Respondent no.2 present in
person.



**CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA**

ORDER

% 30.04.2024

CRL.M.A. 13028/2024 (Exemption) in CRL.M.C. 3390/2024

CRL.M.A. 13029/2024 (Exemption) in CRL.M.C. 3391/2024

1. Allowed, subject to all just exceptions.

CRL.M.C. 3390/2024

CRL.M.C. 3391/2024

2. These petitions have been filed under Section 482 of the Code of Criminal Procedure, 1973 (in short, 'Cr.P.C.') seeking quashing of FIR No. 174/2017 registered at Police Station: South Rohini under Sections 377/323/506/34 of the Indian Penal Code, 1860 (in short, 'IPC') (in CRL.M.C. 3390/2024) and FIR No. 131/2018 registered at Police Station: Gazipur under Sections 498A/406/34 of the IPC (in CRL.M.C. 3391/2024), along with all other proceedings arising therefrom, on the basis of settlement.

3. Issue notice.

4. Notice is accepted by Mr. Shoaib Haider, learned APP for the State and Mr. Kuldeep Kumar, learned counsel for respondent no.2.

5. 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 (petitioner no.1 in CRL.M.C. 3391/2024) and the respondent no.2. He submits that the parties have amicably settled their *inter se* disputes and have entered into a settlement on 08.08.2023.

6. Pursuant to the above-mentioned settlement, the learned



Principal Judge, Family Court, North West, Rohini Courts, Delhi has granted a Decree of Divorce by mutual consent dated 09.02.2024 to the parties, that is, the petitioner (petitioner no.1 in CRL.M.C. 3391/2024) and the respondent no.2.

7. The respondent no.2, who is 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 complaint any further and has no objection if the present FIRs are quashed.

8. The learned counsel for the petitioners has handed over two Demand Drafts both for a sum of Rs.2,00,000/- (Rupees Two Lakhs Only) to the respondent no.2 as per the terms of the Settlement.

9. I have perused the contents of the FIRs, the Settlement and considered the submissions made.

10. Keeping in view the fact that the disputes between the parties arose out of a matrimonial relationship, and now the same have been amicably settled, and also looking into the nature of the allegations made in the complaint, in my opinion, 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.

11. 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 FIRs and all the proceedings emanating therefrom.

12. Accordingly, the petitions are allowed. FIR No. 174/2017 registered at Police Station: South Rohini under Sections 377/323/506/34 of the IPC (in CRL.M.C. 3390/2024) and FIR No. 131/2018 registered at Police Station: Gazipur under Sections 498A/406/34 of the IPC (in CRL.M.C. 3391/2024), along with all other consequential proceedings emanating therefrom against the petitioners are quashed.

NAVIN CHAWLA, J

APRIL 30, 2024/rv/am

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