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

+ **CRL.M.C. 3395/2024**

HIMANSHU & ORS.

..... Petitioners

Through: Mr. Vijay Dahiya & Mr. A. Malia,
Advts. with petitioners in person.

versus

STATE (GOVT. OF NCT OF DELHI) & ANR. Respondents

Through: Mr. Sunil Kumar Gautam, APP for
the State.
SI Pravesh, P.S. Mundka.
Mr. Ashish Anjani Sharma, Mr. S. N.
Chauhan, Mr. Kapil Kumar & Mr.
Amit Dahiya, Advts. for R-2 with R-2
in person.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER
16.05.2024

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1. The present petition under Section 482 Cr.P.C. seeks quashing of FIR No. 678/2022, under Sections 498A/323/506/34 IPC, registered at PS Mundka, Delhi.
2. The marriage between the petitioner no.1/husband and the respondent no.2/wife was solemnized on 16.01.2022 as per Hindu Rites and Customs and one female 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 04.07.2022. Subsequently, respondent no.2/complainant lodged an FIR against petitioners.



4. On 11.08.2023, parties arrived at a settlement and thereafter amended settlement agreement dated 07.05.2024 as per the said settlement deed, petitioner no.1 has agreed to pay an amount of Rs. 16,80,000/- 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 original settlement as well as amended settlement, the marriage between the parties stands dissolved by a decree of divorce dated 09.04.2024, passed by Mr. Arun Sukhija, Judge, Family Court-02, West Tis Hazari Courts, Delhi, (Annexure P-3). Further, original settlement as well as amended settlement an amount of Rs. 11,80,000/- has already been paid to respondent no.2 and the remaining amount of Rs. 5,00,000/- 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 no visitation rights.

6. The affidavits of petitioner no.1 and respondent no.2/complainant in terms of judgment of Hon'ble Supreme Court in Ganesh vs. Sudhir Kumar Srivastava, & Ors. has been filed on record.

7. 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 Pravesh, P.S. Mundka.

8. A Demand Draft bearing no. 059087 dated 24.04.2024 for Rs. 5,00,000/- drawn on State Bank of India, Mundka, New Delhi has been handed over to the Complainant/Respondent No.2, who acknowledges the receipt of the same.

9. 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.

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

11. 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.”

12 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. 678/2022, under Sections 498A/323/506/34 IPC, registered at PS Mundka, Delhi.

13. In the interest of justice, the petition is allowed, and the FIR No. 678/2022, under Sections 498A/323/506/34 IPC, registered at PS Mundka, Delhi, is hereby quashed.

14. It is however directed that this order shall not come in the way of the minor child in claiming her rights of inheritance, maintenance, educational & marriage expenses, etc. against any of the parties.

15. Petition is allowed and disposed of accordingly.



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

AMIT SHARMA, J

MAY 16, 2024/nk

Click here to check corrigendum, if any