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

+ **CRL.M.C. 3413/2024**
RAGHU RAI

..... Petitioner

Through: Mr.Vijender Kumar and
Ms.Anita Kumari, Advs. along
with petitioner in person.

versus

THE STATE NCT OF DELHI AND ANR Respondents

Through: Mr.Satinder Singh Bawa, APP
with SI Dharmveer
Mr.Pawan Kumar, Adv. for R-2
along with R-2 in person.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER
01.05.2024

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CRL.M.A. 13128/2024 (Exemption)

1. Allowed, subject to all just exceptions.

CRL.M.C. 3413/2024

2. This petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 (in short, 'Cr.P.C.') seeking quashing of FIR No.0358/2019 registered at Police Station: Chhawala, Delhi under Sections 498A/406/34 of the Indian Penal Code, 1860 (in short, 'IPC'), along with all other proceedings arising therefrom, on the basis of settlement.

3. Issue notice.

4. Notice is accepted by Mr.Satinder Singh Bawa, learned APP for



the respondent no.1 and by Mr.Pawan Kumar, Advocate for the respondent no.2.

5. The learned counsel for the petitioner submits that the subject FIR was an offshoot of the matrimonial discord between the parties, that is, the petitioner and the respondent no.2. No child is born from the wedlock of the petitioner and the respondent no.2.

6. He submits that the parties have amicably settled their *inter se* disputes and have entered into a settlement on 24.09.2021 before the Counselling Cell, Family Courts, Dwarka Courts, Delhi. The marriage between the petitioner and respondent no.2 has already been dissolved vide Decree of Divorce dated 23.02.2022, passed by learned Judge, Family Courts, Dwarka Courts, New Delhi.

7. The learned counsel for the petitioner has handed over a sum of Rs.70,000/- by way of Demand Draft to the respondent no.2, who appears in person and has been duly identified by the Investigating Officer (IO).

8. The respondent no.2 reaffirms the above-mentioned settlement and states that she has settled all the disputes with the petitioner out of her own free will and without any coercion. She submits that she has no objection if the present FIR is quashed.

9. I have perused the contents of the FIR and also the Settlement between the parties.

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, a Decree of Divorce has also been passed by the learned Family Court pursuant to the settlement, 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 FIR and all the proceedings emanating therefrom.

12. Accordingly, the petition is allowed. FIR No.0358/2019 registered at Police Station: Chhawala, Delhi under Sections 498A/406/34 of the IPC, and all consequential proceedings emanating therefrom against the petitioner are quashed.

NAVIN CHAWLA, J

MAY 1, 2024/ns/RP

Click here to check corrigendum, if any