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

+ CRL.M.C. 3423/2024
NITIN JHA

..... Petitioner

Through: Mr. Ramesh Chandra & Mr. A.K. Pandey, Advocate alongwith petitioner in person.

versus

STATE GOVT OF NCT OF DELHI AND ANR Respondents

Through: Mr. Sunil Kumar Gautam, APP for the State with W/SI Usha, CAW Cell Dwarka & SI Sandeep Kumar, P.S. Bindapur.
Mr. Shivankar Mehrotra, Advocate for R-2 alongwith R-2 in person.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

08.05.2024

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1. The present petition filed under Section 482 of the Cr.P.C. seeks quashing of FIR No. 697/2016, under Sections 498A/406/34 of the IPC, registered at P.S. Bindapur and all other consequential proceedings emanating therefrom, including the chargesheet pending before the court of Ms. Divya Yadav, learned Metropolitan Magistrate, Mahila Court (South-West), Dwarka Courts, Delhi.
2. The marriage between petitioner/husband and respondent no.2/wife was solemnized on 28.01.2016 as per Hindu rites and ceremonies. No 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 30.04.2016. Subsequently, respondent no.2/complainant lodged an FIR against the



petitioner.

4. On 23.08.2023, parties arrived at a settlement vide Memorandum of Understanding (MoU) dated 23.08.2023. As per the said MoU, petitioner has agreed to pay an amount of Rs. 17,00,000/- 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.

5. In terms of the said MoU, the marriage between the parties stands dissolved by a decree of divorce dated 29.11.2023, passed by Sh. Vipin Kumar Rai, Link Judge, Family Court-02, South-West, Dwarka, New Delhi (Annexure-E). Further, as per the settlement, an amount of Rs. 11,00,000/- has already been paid to respondent no.2 and the remaining amount of Rs. 6,00,000/- has been paid to her in court today, by means of a demand draft.

6. Petitioner 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 Sandeep Kumar, P.S. Bindapur.

7. A demand draft bearing no. 003737, dated 01.05.2024, for Rs. 6,00,000/-, drawn on HDFC Bank 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 petitioner and she has no objection if the FIR is quashed. She further states that all the terms of the agreement 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, the 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 proceeding.”

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. 697/2016, under Sections 498A/406/34 of the IPC, registered at P.S. Bindapur and all other consequential proceedings emanating therefrom, including the chargesheet pending before the court of Ms. Divya Yadav, learned Metropolitan Magistrate, Mahila Court (South-West), Dwarka Courts, Delhi.

12. In the interest of justice, the petition is allowed, and the FIR No. 697/2016, under Sections 498A/406/34 of the IPC, registered at P.S. Bindapur and all other consequential proceedings emanating therefrom, including the chargesheet pending before the court of Ms. Divya Yadav, learned Metropolitan Magistrate, Mahila Court (South-West), Dwarka Courts, Delhi, is hereby quashed.

13. Petition is allowed and disposed of accordingly.

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

AMIT SHARMA, J

MAY 8, 2024/bsr

[Click here to check corrigendum, if any](#)