



\$~41

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 3438/2024
RAJAT PRAKASH AND ANR Petitioners
Through: Ms.Antima Bazaz, Adv.

versus

STATE OF NCT DELHI AND ANR & ANR.

..... Respondents
Through: Mr. Shoaib Haider, APP with
SI Amit Beniwal
Ms.Babita Seth, Adv. for R-2
along with R-2 in person.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER
03.05.2024

%

1. 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.0018/2020 registered at Police Station: Vivek Vihar, 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.
2. Issue notice.
3. Notice is accepted by Mr. Shoaib Haider, learned APP for the respondent no.1 and by Ms.Babita Seth, Advocate for the respondent no.2.
4. 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 no.1 and the respondent no.2.



5. He submits that the parties have amicably settled their *inter se* disputes and have entered into a settlement vide Memorandum of Settlement dated 12.01.2024.

6. The learned counsel for the petitioner no.1 has handed over a Demand Draft of sum of Rs.1,50,000/- along with certain jewellery items to the respondent no.2, receipt whereof has been duly acknowledged by the respondent no.2. Petitioner undertakes that the other articles which are to be handed over to the respondent no.2, shall be duly handed over to the respondent no.2 today itself.

7. The respondent no.2 who appears in person 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. She submits that she has no objection if the present FIR is quashed.

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

9. Keeping in view 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.

10. 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.

11. Accordingly, the petition is allowed. FIR No.0018/2020 registered at Police Station: Vivek Vihar, Delhi under Sections 498A/406/34 of the IPC, and all consequential proceedings emanating therefrom against the petitioners are quashed.

NAVIN CHAWLA, J

MAY 3, 2024/ns/am

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