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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 2911/2022**
SUDHANSHU GAUTAM AND OTHERS

..... Petitioners

Through: Mr.Pankaj Talwar, Adv. along
with petitioners present in
person.

versus

THE STATE AND ANOTTHER

..... Respondents

Through: Mr.Satinder Singh Bawa, APP.
W/SI Roshni Sharma, PS
Nanak Pura, New Delhi.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **01.04.2024**

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. 0012/2018 registered at Police Station: Crime (Women) Cell, Nanak Pura, Special Police Unit for Women and Children, Delhi, under Sections 498A/406/377/354/34 of the Indian Penal Code, 1860 (in short, 'IPC'), along with all other proceedings arising therefrom, on the basis of a settlement.

2. The petitioner no.1 married to the respondent no.2 as per Hindu Rites and ceremonies on 25.11.2016. The petitioners claim that the respondent no.2 left her matrimonial home on 17.05.2017. The respondent no.2 thereafter filed a complaint dated 19.09.2017 with the CAW Cell, Nanak Pura. Proceedings under the Protection of Women



from Domestic Violence Act, 2005 (in short, 'DV' Act) were also filed by respondent no.2. Based on the complaint made by respondent no.2 to the CAW Cell, the above-mentioned FIR was registered on 26.02.2018.

3. The petitioner no.1 also filed two Criminal Complaints under Section 200 Cr.P.C. against the respondent no.2 and her brother and mother.

4. The parties thereafter reached a settlement, whereafter the respondent no.2 withdrew her complaint under the DV Act. Parties have also been granted a Decree of Divorce vide order dated 08.03.2022 passed by the learned Family Court, West District, Tis Hazari Court in CC/HMA No. 192/2022. In the said petition filed seeking divorce by mutual consent, the respondent no.2 gave a statement before that Court that the parties would be filing a joint petition before this Court seeking quashing of the above-mentioned FIR. Petitioner no.1 also withdrew his complaints against respondent no.2 as well as her brother and mother.

5. The petitioner then filed the present petition seeking quashing of the above-mentioned FIR.

6. On 30.11.2023, the respondent no.2 appeared before this Court along with her counsel through Video Conferencing. She opposed the present petition. This Court, on hearing the counsels as also respondent no.2, *prima facie* found merit in the submissions of the counsel for the petitioners that the opposition of the respondent no.2 is unjust and unfair, and that the respondent no.2 has become dishonest. Further, proceedings before the learned Trial Court were, therefore,



stayed by this Court.

7. The learned counsel for the petitioner submits that both the parties, that is the petitioner no.1 and respondent no.2, have remarried. This is affirmed by the learned APP, on instructions from the Investigating Officer (IO), who is present in Court.

8. Today, none has appeared for the respondent no.2, in spite a pass over being granted to await the appearance of the respondent no. 2. Reply to the present petition has also not been filed by the respondent no.2.

9. Having perused the contents of the FIR, it is evident that the same was a result of a matrimonial dispute between petitioner no.1 and respondent no.2. The said matrimonial disputes have since been settled, and the parties have not only been granted a Decree of Divorce but have also moved on in their respective lives. Respondent no.2 had given a statement before the learned Family Court that she has no objection to the quashing of the present FIR. In fact, she had undertaken to file a joint petition for the same along with the petitioners. The petitioners have also annexed an affidavit of respondent no.2 with the present petition, stating that she has no objection if the present FIR is quashed.

10. In *State of Haryana & Ors. v. Bhajan Lal & Ors.*, 1992 Supp (1) SCC 335, the Supreme Court held that one of the circumstances where the Court may quash the FIR in exercise of its power under Section 482 Cr.P.C. would be where continuation of the proceedings would be an abuse of process of the Court or otherwise to secure the ends of justice.



11. In the present case, the parties have already amicably settled there disputes, which arose out of the matrimonial relationship between the petitioner no. 1 and the respondent no. 2. The parties have also moved on with their respective lives, with both marrying third parties post their divorce. Continuing the above proceedings, therefore, would now not only be an unnecessary burden on the State, which is not likely to yield any fruitful result, and would be just a waste of time and energy of the prosecution and the Court, but would also revive disputes which are otherwise settled. It is not unknown that the complaints under Section 498A/406 IPC are filed by the wife to somehow involve all the family members of the husband. In my view, with the subsequent events, the continuation of the proceedings pursuant to the above FIR, would be an abuse of the process of the Court.

12. Accordingly, the petition is allowed. FIR No. 0012/2018 registered at Police Station: Crime (Women) Cell, Nanak Pura, Special Police Unit for Women and Children, Delhi under Sections 498A/406/377/354/34 of IPC and all consequential proceedings emanating therefrom against the petitioners are quashed,

13. *Dasti.*

NAVIN CHAWLA, J

APRIL 1, 2024/rv

Click here to check corrigendum, if any