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

+ CRL.M.C. 3479/2024 & CRL.M.A. 13375/2024 (Exemption)

NAVEEN KUMAR & ORS.

..... Petitioners

Through: Mr. Siddharth Singh, Adv. with
petitioner no.1 in person and
petitioner no.2 to 10 through VC.

versus

STATE THROUGH SHO SAGARPUR DELHI & ANR.

..... Respondents

Through: Ms. Manjeet Arya, APP for State with
SI Kailash Chand, P.S. Sagarpur.
Akash Tomar for Respondent No 2
(through VC).

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

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02.05.2024

1. The present petition under Section 482 Cr.P.C. seeks quashing of FIR No. 404/2018, under Section 498A/406/34 IPC, registered at PS Sagarpur, New Delhi and all other consequential proceedings emanating therefrom, including the chargesheet filed and pending before the Court of Ms. Akanksha Garg, learned Metropolitan Magistrate (New Delhi District), Patiala House Courts, New Delhi.
2. The marriage between the petitioner no.1/husband and the respondent no.2/wife was solemnized on 21.01.2005 as per Hindu Rites and Ceremonies two children were born out of the said wedlock.
3. Due to matrimonial differences between petitioner no. 1 and respondent no. 2, the parties resided separately from 04.09.2017. Subsequently, respondent no.2/complainant lodged a complaint against the



petitioners.

4. On 17.08.2023, parties arrived at a settlement before the Family Court, Patiala House Courts, New Delhi and as per the said settlement deed, petitioner no.1 has agreed to pay an amount of Rs. 23,00,000/- 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 settlement, the marriage between the parties stands dissolved by a decree of divorce dated 16.01.2024, passed by Ms. Sukhvinder Kaur, Principal Judge, Family Court, Patiala House Courts, Delhi (Annexure P-3 colly). Further, as per the settlement deed, an amount of Rs. 12,00,000/- has already been paid to respondent no.2 and the remaining amount of Rs. 11,00,000/- has been paid to her in Court today, by means of demand drafts. As per the said settlement, custody of the minor child will be with the respondent no. 2 and the petitioner no. 1 will have visitation rights. It is agreed between the parties that the minor children namely (1) Pranjali age 17+years (2) Akshat age 10+years will be under the absolute legal custody and sole guardianship of the respondent no. 2 (Wife) and petitioner (Husband) shall have visitation rights twice a month on every second and last Sunday of each month from September 2023 for 4 hours (11.00AM to 2:00PM) at neutral and public place.

6. Petitioner no.1 and complainant/respondent no. 2 are present before the Court and petitioner no.2 to 10 are present through video conferencing and have been duly identified by their respective counsel, as well as the Investigating Officer, SI kailash Chand, P.S. Sagarpur.

7. A Demand Draft bearing no. 255321 dated 12.03.2024 for Rs.



1,00,000/- drawn on Punjab National Bank, Delhi and demand draft bearing no. 611312 dated 08.03.2024 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 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.

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, 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.”

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. 404/2018, under Section 498A/406/34 IPC, registered at PS Sagarpur, New Delhi and all other consequential proceedings emanating therefrom, including the chargesheet filed and pending before the Court of Ms. Akanksha Garg, learned Metropolitan Magistrate (New Delhi District), Patiala House Courts, New Delhi.



12. In the interest of justice, the petition is allowed, and the FIR No. 404/2018, under Section 498A/406/34 IPC, registered at PS Sagarpur, New Delhi and all other consequential proceedings emanating therefrom, including the chargesheet filed and pending before the Court of Ms. Akanksha Garg, learned Metropolitan Magistrate (New Delhi District), Patiala House Courts, New Delhi, is hereby quashed.

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

14. Petition is allowed and disposed of accordingly.

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

AMIT SHARMA, J

MAY 2, 2024/nk

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