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

+ CRL.M.C. 3493/2024 & CRL.M.A. 13416/2024 (exemption)

SHASHI AND ORS

..... Petitioners

Through: Mr. Anoop Verma, Advocate
alongwith P-1 to 3 and 5 in person.

versus

STATE NCT OF DELHI AND ANR.

..... Respondents

Through: Mr. Hemant Mehla, APP for the
State.

SI Amandeep, PS Aman Vihar.

Ms. Harsh Chachra, Advocate for R-2
alongwith R-2 in person.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

02.05.2024

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1. The present petition filed under Section 482 of the Cr.P.C. seeks quashing of the FIR No. 946/2017, under Sections 498A/406/34 of the IPC, registered at P.S. Aman Vihar and all other consequential proceedings emanating therefrom, including the chargesheet pending before the court of Ms. Preeti Rajoria, learned Metropolitan Magistrate, Mahila Court, Rohini Courts, Delhi.
2. The marriage between petitioner no.1/husband and respondent no.2/wife was solemnized on 24.01.2015 as per Hindu rites and ceremonies.
3. No child was born out of the said wedlock.
4. Due to matrimonial differences between deceased husband and respondent no. 2, the parties started residing separately from 10.06.2016. Subsequently, respondent no.2/complainant registered an FIR against the



petitioners and husband of respondent no. 2 who has since passed away.

5. On 07.01.2021, deceased husband and respondent no. 2 arrived at a settlement before Delhi Mediation Centre, Rohini District Courts, Delhi, and as per the said settlement deed, deceased husband has agreed to pay an amount of Rs. 4,65,000/- 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. The copy of the aforesaid settlement deed dated 07.01.2021 is on record (Annexure P-3).

6. In terms of the said settlement, the marriage between the parties stands dissolved by a decree of divorce dated 30.11.2022, passed by Ms. Seema Maini, Principal Judge, Family Court, Rohini Courts, Delhi (Annexure P-4). Further, as per the settlement deed, an amount of Rs. 2,00,000/- has already been paid to respondent no.2 and the remaining amount of Rs. 2,65,000/- has been paid to her in court today, by means of a demand draft.

7. Petitioners no. 1 to 3 and 5 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 Amandeep, PS Aman Vihar. Learned counsel appearing on behalf of the petitioners, on instructions, submits that petitioner no. 4 could not come. Learned counsel appearing on behalf of respondent no. 2 on instructions submits that she has no objection if the present petition is disposed of without the presence of petitioner no. 4 as settlement is not disputed. In these circumstances, the appearance of petitioner no. 4 is exempted.

8. A demand draft bearing no. 210882 dated 19.01.2023 revalidated on 15.02.2024 for Rs. 2,65,000/- drawn on Punjab and Sindh Bank has been



handed over complainant/Respondent No.2, who acknowledges the receipt of the same.

9. 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. She further states that all the terms of the agreement have been complied with.

10. In view of the settlement between the parties, learned APP for the State also has no objection if the present FIR is quashed.

11. 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.”

12. 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. 946/2017, under Sections 498A/406/34 of the IPC, registered at P.S. Aman Vihar and all other consequential proceedings emanating therefrom, including the chargesheet pending before the court of Ms. Preeti Rajoria, learned Metropolitan Magistrate, Mahila Court, Rohini Courts, Delhi.

13. In the interest of justice, the petition is allowed, and the FIR No. 946/2017, under Sections 498A/406/34 of the IPC, registered at P.S. Aman



Vihar and all other consequential proceedings emanating therefrom, including the chargesheet pending before the court of Ms. Preeti Rajoria, learned Metropolitan Magistrate, Mahila Court, Rohini Courts, Delhi, is hereby quashed.

14. Petition is allowed and disposed of accordingly.

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

AMIT SHARMA, J

MAY 02, 2024/sn

Click here to check corrigendum, if any