



\$~61

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

+ **W.P.(CRL) 1377/2024**

DEEPAK AHUJA & ORS.

..... Petitioners

Through: Mr. Ashish Aggarwal and Mr.
Nishant Yadav and Mr. Satyajit
Yadav, Advocates alongwith
petitioner no. 1 in person.
Petitioners no. 2 to 4 through VC.

versus

THE STATE & ANR.

..... Respondents

Through: Mr. Yasir Rauf Ansari, ASC
(criminal) for the State with Mr. Alok
Sharma and Mr. Vasu Agarwal,
Advocates.
SI Meeta, PS Model Town.
R-2 in person.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

03.05.2024

%

1. The present petition under Article 226 of the Constitution of India read with Section 482 Cr.P.C. seeks quashing of FIR No. 537/2023, under Section 498A/406/34 of the IPC, registered at PS Model Town.
2. The marriage between the petitioner no.1/husband and the respondent no.2/wife was solemnized on 11.05.2013 as per Hindu Rites and Customs and one male child was born out of the said wedlock.
3. Due to matrimonial differences between petitioner no. 1 and respondent no. 2, the parties resided separately from 08.11.2021. Subsequently, respondent no.2/complainant lodged an FIR against the petitioners.



4. During the pendency of investigation in the aforesaid FIR, parties arrived at a settlement with the terms as mentioned in the petition.
5. In terms of the said settlement, the marriage between the parties stands dissolved by a decree of divorce dated 19.12.2023, passed by Sh. Vinay Kumar Khanna, Principal Judge, Family Courts, West, Tis Hazari Courts, Delhi (Annexure P-2). As per the said settlement, custody of the minor child will be with petitioner no.1 and respondent no. 2 will have visitation rights as per the terms mentioned in the present petition.
6. It is further submitted that an affidavit, dated 06.04.2024, of the respondent no. 2/complainant has been placed on record stating that she has no objection to the quashing of the present FIR and has entered into the said settlement with the petitioners out of her own free will and without any coercion, undue influence or pressure from any person. It is further submitted that the parties have undertaken to abide by their reciprocal obligations as per the terms of said settlement.
7. Petitioner no. 1 and complainant/respondent no. 2 are present before the Court and petitioners no. 2 to 4 are present through video conferencing and have been duly identified by their respective counsel, as well as the Investigating Officer, SI Meeta, PS Model Town.
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. Learned APP for the State submits that investigation in the present FIR is pending and chargesheet has not been filed. 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. 537/2023, under Section 498A/406/34 of the IPC, registered at PS Model Town.

12. In the interest of justice, the petition is allowed, and the FIR No. 537/2023, under Section 498A/406/34 of the IPC, registered at PS Model Town, is hereby quashed.

13. It is however directed that this order shall not come in the way of the minor child in claiming his 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 03, 2024/sn

Click here to check corrigendum, if any