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

+ **CRL.M.C. 3622/2024 & CRL.M.A. 13889/2024**

MOHIT KAPOOR Petitioners

Through: Mr.I.C. Mishra, Ms.Swati
Chakroborty, Dr.Balmiki
Prasad, Advs. along with P-1 &
P-2 in person.

versus

STATE GNCT OF DELHI AND ANR Respondents

Through: Mr.Satinder Singh Bawa, APP
with SI P.C. Sharma
Ms.Meera Kaura Patel, Adv. for
R-2 along with R-2 in person.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **07.05.2024**

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.0419/2015 registered at Police Station: Greater Kailash, New Delhi under Sections 498A/406/354/509/34 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.Satinder Singh Bawa, learned APP for the respondent no.1 and by Ms.Meera Kaura Patel, Advocate for the respondent no.2.
4. The learned counsel for the petitioners 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 on 27.03.2018 before the Mediation Centre, Saket Courts, New Delhi. The marriage between the petitioner no.1 and the respondent no.2 has already been dissolved vide Decree of Divorce dated 17.11.2023, passed by the learned Family Court.

6. The learned counsel for the petitioners has handed over sum of Rs.50,000/- in cash and Rs.6.5 lacs by way of Demand Draft to the respondent no.2 in pursuance of the settlement.

7. The respondent no.2, who is present in Court and has been duly identified by the Investigating Officer, 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 does not wish to pursue the proceedings emanating from the FIR any further and 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 the fact that the disputes between the parties arose out of a matrimonial relationship, and now the same have been amicably settled, a Decree of Divorce has also been passed by the learned Family Court pursuant to the settlement, 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.0419/2015 registered at Police Station: Greater Kailash, New Delhi under Sections 498A/406/354/509/34 of the IPC, and all consequential proceedings emanating therefrom against the petitioners are quashed. The pending application also stands disposed of as infructuous.

NAVIN CHAWLA, J

MAY 7, 2024/ns/am

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