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

+ **W.P.(CRL) 1415/2024**

PANKAJ WALIA & ORS.

..... Petitioners

Through: Mr.Baldev Raj, Ms.Shikha
Tyagi, Advs.

versus

STATE OF NCT OF DELHI & ANR. Respondents

Through: Mr.Anand Khatri, ASC (Crl.)
with SI Pardeep Kumar.
Ms.Vasudha Bajaj, Adv. for R-2
along with R-2 in person.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **06.05.2024**

CRL.M.A. 13776/2024 (exemption)

1. Allowed, subject to all just exceptions.

W.P.(CRL) 1415/2024

2. This petition has been filed under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 (in short, 'Cr.P.C.') seeking quashing of FIR No.0787/2023 registered at Police Station: Rajouri Garden, West-District, Delhi for offence under Sections 498A/406/34 of the Indian Penal Code, 1860 (in short, 'IPC'), along with all other proceedings arising therefrom, on the basis of a settlement.

3. Issue notice.

4. Notice is accepted by Mr.Satinder Singh Bawa, learned APP, and Ms.Vasudha Bajaj, learned counsel for the respondent no.2.

5. 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.

6. The learned counsel for the petitioners submits that the parties, that is, the petitioner no.1 and the respondent no.2, have amicably settled all their *inter se* disputes and have entered into a Settlement vide Memorandum of Settlement dated 11.01.2024.

7. Pursuant to the above settlement, the parties have obtained divorce by mutual consent vide Decree of Divorce dated 02.05.2024 passed the learned Principal Judge, Family Courts, Tis Hazari Courts, West-District, Delhi in HMA No.1114/2024 titled as ***Freya Ahuja v. Pankaj Walia***.

8. The petitioner no.1 has filed an additional affidavit today, a copy of which has been handed over in Court, which reaffirms the above settlement and states that the above settlement between the parties shall, in no manner, prejudice the rights of the minor child born from the wedlock of the parties. The affidavit be placed on record.

9. The respondent no.2 is present in person and has been duly identified by the Investigating Officer (IO). She submits that all the amounts in terms of the settlement have been received by her.

10. The respondent no.2 affirms that she has settled all the disputes with the petitioners of her own free will and without any coercion. The respondent no.2 submits that she has no objection if the present FIR is quashed.

11. I have perused the contents of the FIR and the settlement between the parties.

12. As 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.

13. 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.

14. Accordingly, the petition is allowed. FIR No.0787/2023 registered at Police Station: Rajouri Garden, West-District, Delhi under Sections 498A/406/34 of the IPC and all consequential proceedings emanating therefrom against the petitioners are quashed.

15. However, as regards the rights of the child born from the wedlock, it is made clear that the rights of the child will not be restricted/compromised on the basis of the aforesaid Settlement and all his legal rights will remain protected and available to him in accordance with law.

NAVIN CHAWLA, J

MAY 6, 2024

RN/ss

Click here to check corrigendum, if any