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

+ **CRL.M.C. 3640/2024**

AMIT KUMAR AND OTHERS

..... Petitioners

Through: Mr. Nitin Kumar Jain, Advocate
alongwith Petitioner no. 1 in person.

versus

THE STATE AND ANOTHER

..... Respondents

Through: Mr. Sunil Kumar Gautam, APP for
the State with SI Shiv Dayal Kumar,
P.S. Harsh Vihar.
Mr. Ram Kumar Sharma, Advocate
for R-2 alongwith R-2 in person.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

22.05.2024

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1. The present petition under Section 482 of the Cr.P.C. seeks quashing of FIR No. 291/2015, under Sections 498A/406/34 of the IPC, registered at P.S. Harsh Vihar, Delhi and all other consequential proceedings emanating therefrom, including the chargesheet filed and pending before the Court of Ms. Nidhi Bala, Learned Metropolitan Magistrate, Mahila Court, Shahdara, Karkardooma Courts, Delhi.
2. The marriage between the petitioner no.1/husband and the respondent no.2/wife was solemnized on 10.03.2012 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 since October, 2012. Subsequently, respondent no.2/complainant lodged an FIR against the petitioners.

4. On 21.05.2015, parties arrived at a settlement before Delhi Mediation Centre, Karkardooma Courts, Delhi. As per the said settlement deed, petitioner no.1 has agreed to pay an amount of Rs. 2,00,000/- 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 27.10.2016, passed by Sh. B.R. Kedia, Principal Judge, Family Courts, Shahdara, Karkardooma Courts, Delhi (Annexure P-3). Further, as per the settlement, the total amount of Rs. 2,00,000/- has already been paid to respondent no.2, who acknowledges the receipt of the same. As per the said settlement, custody of the minor child will be with the respondent no. 2 and the petitioner no. 1 will have no visitation rights.

6. Petitioner no. 1 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 Shiv Dayal Kumar, P.S. Harsh Vihar.

7. On an oral exemption by learned counsel for the petitioners, personal appearance of petitioners no. 2 to 5 are exempted.

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. 291/2015, under Sections 498A/406/34 of the IPC, registered at P.S. Harsh Vihar, Delhi and all other consequential proceedings emanating therefrom, including the chargesheet filed and pending before the Court of Ms. Nidhi Bala, Learned Metropolitan Magistrate, Mahila Court, Shahdara, Karkardooma Courts, Delhi.

12. In the interest of justice, the petition is allowed, and the FIR No. 291/2015, under Sections 498A/406/34 of the IPC, registered at P.S. Harsh Vihar, Delhi and all other consequential proceedings emanating therefrom, including the chargesheet filed and pending before the Court of Ms. Nidhi Bala, Learned Metropolitan Magistrate, Mahila Court, Shahdara, Karkardooma Courts, Delhi, 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 22, 2024/bsr

Click here to check corrigendum, if any