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

+ CRL.M.C. 3176/2022

OM PRAKASH

..... Petitioner

Through: Mr.Maharaj Tyagi, Adv.

versus

STATE & ANR.

..... Respondents

Through: Mr.Aman Usman, APP with SI
Suresh Kumar.

Mr.Pramod Singh, Adv. for R-2
with R-2 in person.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **31.01.2024**

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.161/2012 registered at Police Station: New Usmanpur, North-East District, Delhi, under Sections 498A/406/34 of the Indian Penal Code, 1860 (in short, 'IPC') and under Section 4 of Dowry Prohibition Act, 1961 along with all other proceedings arising therefrom, on the basis of settlement.

2. The learned counsel for the petitioner submits that the subject FIR was an offshoot of the matrimonial discord between the parties, that is, the petitioner and the respondent no.2. He submits that the parties have amicably settled their *inter se* disputes and have entered into a settlement vide Settlement Agreement/Compromise dated 25.07.2012 executed before the Delhi Mediation Centre, Karkardooma Courts, Delhi and are living together happily.

3. The respondent no.2, who is present in Court and has been duly



identified by the Investigating Officer, reaffirms the settlement and states that she has settled all the *inter se* disputes with the petitioner of her own free will and without any coercion. The respondent no.2 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.

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

5. Keeping in view the fact that the Settlement has been arrived at between the parties and they are living together, I find that no useful purpose shall be served in continuing with the proceedings of the present FIR as the chances of its success will be rather minuscule and it would rather create further acrimony between the parties and will be an unnecessary burden on the State exchequer.

6. 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 3, 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.

7. Accordingly, the petition is allowed. FIR No.161/2012 registered at Police Station: New Usmanpur, North-East District, Delhi, under Sections 498A/406/34 of the IPC and under Section 4 of



Dowry Prohibition Act, 1961, and all consequential proceedings emanating therefrom against the petitioner are quashed.

8. The petition is disposed of in the above terms.

NAVIN CHAWLA, J

JANUARY 31, 2024/Arya/AS

[Click here to check corrigendum, if any](#)