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

+ **CRL.M.C. 3759/2024**

DALJEET SHARMA & ORS.

.....Petitioners

Through: Mr Pradeep Rana, Mr Ankit Rana, Mr
Deepak Chillar, Ms Tanisha Jain and
Mr Tushar, Advocates.

versus

THE STATE NCT OF DELHI AND ANR.Respondents

Through: Mr. Pradeep Gahalot, APP for State
with SI Manoj Kumar PS: Paschim
Vihar.
Mr. Sahil Khan, Advocate for
complainant along with complainant.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

25.07.2024

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CRL.M.A. 21631/2024 (*Application seeking preponement of the next date of hearing*)

1. This application has been filed seeking advancement of the date of hearing fixed for 10th September, 2024 on the ground that the complainant has to travel to Dubai and will be not available to appear in person in Court. This aspect is confirmed by the complainant who appears through VC and her counsel as well

2. On that basis, preponement has sought.

3. Accordingly, the application is allowed and disposed of accordingly.

CRL.M.C. 3759/2024

1. This petition has been filed seeking quashing of FIR no. 204/2018,



registered at PS Mianwali Nagar, West, under Sections 376-D/323/506/34 IPC, on the basis of settlement arrived at between the parties dated 05th March, 2024, which is on record of this Court.

2. Petitioner nos. 6 and 7 are appearing through VC and have been duly identified by the counsel. Petitioner nos. 1 to 5 are present in Court personally and are duly identified by the counsel. Respondent no.2 (complainant) who appears through VC is duly identified by the counsel.

3. As per settlement, it is noted that the marriage between complainant and her husband, whose family is arrayed as petitioners was solemnized on 19th April, 2017. No child was born out of wedlock.

4. Disputes arose between the parties and various proceedings were initiated, as are narrated in the settlement agreement. By the intervention of the senior members of the family, the settlement agreement was arrived at.

5. Respondent no.2 (complainant) who appears through VC affirmatively states that she has not entered into the settlement out of any pressure, but wants to settle these issues and move ahead with her life, also considering her parents are in their late 70's.

6. Besides, the first divorce proceedings are already underway; first motion having been gone through; second motion having been filed yesterday expected to culminate in a divorce, in proximate time.

7. The amounts stated in settlement agreement have been paid, except for Rs. 10 lacs which is to be paid at this stage of quashing, which is transferred by RTGS by the petitioner no.1 to respondent no.2. A confirmation has been accorded from the complainant, as well from the counsel.

8. Another balance amount of Rs. 4 lacs are to be paid at the stage of second motion.



9. Parties will be bound by the terms of the settlement.
10. APP for State opposes the settlement on the basis of the serious complaints under Section 376, and submits that respondent no.2 should not have any cause to settle the matter. However, having interacted with the parties, and understood the underlying circumstances and considering it's a marital discord situation and a detailed settlement agreement have been arrived at, settling various proceedings, this Court is of the opinion that this petition be allowed. Affidavit of respondent no. 2 is also on record.
11. The petition is being quashed subject to the condition to pay a cost of Rs. 10,000/- per petitioner to Delhi Police Welfare Fund within two weeks. Deposit receipt will be filed in the Court. Copy will be given to the IO.
12. Considering the above settlement between the parties, and the chances of conviction of the petitioners being remote and bleak, there is no use continuing with proceedings of the present FIR as it would be a misuse of the process of the Court and an unnecessary burden on the State exchequer. Accordingly, the petition is allowed. Consequently, the FIR No. 204/2018 under Sections 376-D/323/506/34 IPC registered at PS Mianwali Nagar, West and proceedings emanating therefrom are quashed.
13. Parties shall abide by the terms of settlement.
14. Accordingly, the petition is disposed of. Pending applications (if any) are disposed of as infructuous.

ANISH DAYAL, J

JULY 25, 2024/RK

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