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

+ W.P.(CRL) 1466/2024 & CRL.M.A. 14356/2024 (Exemption from personal appearance), CRL.M.A. 14422/2024 (Exemption)

RAJNEESH KUMAR AND OTHERS

..... Petitioners

Through: Mr. Rahul Bhati, Ms. Shallu Bhati
Kasana & Mr. Deepanshu Shahi,
Advs. with petitioner no.1,2,4,5 & 6
in person and petitioner no.3 through
VC.

versus

STATE NCT OF DELHI & ANR.

..... Respondents

Through: Mr. Sanjay Lao, Standing Counsel
(Crl.) with Mr. Shivesh Kaushik &
Mr. Abhinav Arya, Advs. for State.
SI Priyanka Saini, P.S. Najafgarh.
Mr. N.K. Sah & Mr. Randhir Singh
Kalkal, Advs. for R-2 with R-2 in
person.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

09.05.2024

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1. The present petition under Article 226 of the Constitution of India read with Section 482 Cr.P.C. seeks quashing of FIR No. 0491/2022, under Sections 498A/406/34 of the IPC registered at PS Najafgarh, Delhi and all other consequential proceedings emanating therefrom, including the chargesheet filed and pending before the Court of Ms. Rajat Goyal, learned Metropolitan Magistrate, Dwarka Court, New Delhi.
2. The marriage between the petitioner no.1/husband and the respondent



no.2/wife was solemnized on 24.06.2012 as per Hindu Rites and Customs and two children were born out of the said wedlock.

3. Due to matrimonial differences between petitioner no. 1 and respondent no. 2, the parties resided separately from 02.01.2020. Subsequently, respondent no.2/complainant lodged a complaint against petitioners.

4. On 17.03.2023, parties arrived at a settlement before the Counselling Cell, Family Courts, Dwarka and as per the said settlement deed, petitioner no.1 has agreed to pay an amount of Rs. 6,50,000/- 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. A copy of the said settlement has been placed on record as Annexure P-3.

5. In terms of the said settlement, the marriage between the parties stands dissolved by a decree of divorce dated 02.02.2024, passed by Mr. Vipin Kumar Rai, Additional Principal Judge, Family Court South West Dwarka, New Delhi (Annexure P-4). Further, as per the settlement deed, an amount of Rs. 4,50,000/- has already been paid to respondent no.2 and the remaining amount of Rs. 2,00,000/- has been paid to her in Court today, by means of a demand draft. As per the said settlement, custody of the minor child will be with the petitioner no. 1 and respondent no. 2 will have visitation rights as per the settlement. It is agreed that respondent no. 2 will have visitation rights for twice a month on Second and Fourth Sunday between 12:00 P.M. to 20:00 P.M. at Janakpuri District Centre. In case of inability of any party to come, they shall inform each other in advance and next Sunday shall be fixed for visitation.

6. Petitioners no.1, 2, 4, 5, 6 and complainant/respondent no. 2 are



present before the Court and petitioner no. 3 is present through video conferencing and have been duly identified by their respective counsel, as well as the Investigating Officer SI Priyanka Saini,

7. A Demand Draft bearing no. 195881 dated 07.05.2024 for Rs. 2,00,000/- drawn on Yes Bank, Chankyapuri, New Delhi has been handed over to the Complainant/Respondent No.2, who acknowledges the receipt of the same.

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 Standing Counsel 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. 0491/2022, under Sections



498A/406/34 of the IPC registered at PS Najafgarh, Delhi and all other consequential proceedings emanating therefrom, including the chargesheet filed and pending before the Court of Ms. Rajat Goyal, learned Metropolitan Magistrate, Dwarka Court, New Delhi.

12. In the interest of justice, the petition is allowed, and the FIR No. 0491/2022, under Sections 498A/406/34 of the IPC registered at PS Najafgarh, Delhi and all other consequential proceedings emanating therefrom, including the chargesheet filed and pending before the Court of Ms. Rajat Goyal, learned Metropolitan Magistrate, Dwarka Court, New Delhi, is hereby quashed.

13. It is however directed that this order shall not come in the way of the minor children in claiming their 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 9, 2024/nk

Click here to check corrigendum, if any