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

+ CRL.M.C. 3790/2024 & CRL.M.A. 14481/2024 (Exemption)

NITISH GAKHAR AND OTHERS Petitioners

Through: Mr. Utsa Srivastava and Mr. Nishant Singh, Advocates alongwith petitioners in person.

versus

STATE OF NCT DELHI AND ANOTHER Respondents

Through: Mr. Sunil Kumar Gautam, APP for the State.

SI S.Bala, PS Prashant Vihar.

Mr. Abhishek Saxena, Ms. Mumtaz Shaikh and Ms. Kamini Singh,

Advocates for R-2 alongwith R-2 in person.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

10.05.2024

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1. The present petition filed under Section 482 of the Cr.P.C. seeks quashing of the FIR No. 346/2022, under Sections 498A/406/34 of the IPC, registered at P.S. Prashant Vihar, Delhi.
2. The marriage between petitioner no.1/husband and respondent no.2/wife was solemnized on 01.12.2019 as per Sikh rites and ceremonies.
3. No child was born out of the said wedlock.
4. Due to matrimonial differences between petitioner no. 1 and respondent no. 2, the parties started residing separately. Subsequently, respondent no.2/complainant lodged an FIR against petitioner no.1 (husband), petitioner no. 2 (father-in-law), petitioner no. 3 (mother-in-law) and petitioner no. 4 (brother-in-law).



5. On 07.03.2024, parties arrived at a settlement and as per the said settlement deed, petitioner no.1 has agreed to pay an amount of Rs. 22,00,000/- 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. The copy of the aforesaid settlement deed dated 07.03.2024 is on record (Annexure P-2).
6. In terms of the said settlement, the marriage between the parties stands dissolved by a decree of divorce dated 19.04.2024, passed by Shri Neeraj Gaur, Judge, Family Court (North District), Rohini Courts, Delhi. Copy of the same is handed up in Court today and the same is taken on record. Further, as per the settlement deed, an amount of Rs. 21,00,000/- has already been paid to respondent no.2 and the remaining amount of Rs. 1,00,000/- has been paid to her in court today, by means of a demand draft.
7. Petitioners 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 S.Bala, PS Prashant Vihar.
8. A demand draft bearing no. 227611 dated 11.03.2024 for Rs. 1,00,000/- drawn on State Bank of India, Rohini, Delhi, has been handed over to complainant/Respondent No.2, who acknowledges the receipt of the same.
9. 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. She further states that all the terms of the agreement have been complied with.
10. Learned APP for the State submits that investigation in the present FIR is not complete and chargesheet has not been filed. In view of the



settlement between the parties, learned APP for the State also has no objection if the present FIR is quashed.

11. In *Gian Singh v. State of Punjab*, (2012) 10 SCC 303, the 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 proceeding.”

12. 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 No. 346/2022, under Sections 498A/406/34 of the IPC, registered at P.S. Prashant Vihar.

13. In the interest of justice, the petition is allowed, and FIR.No. 346/2022, under Sections 498A/406/34 of the IPC, registered at P.S. Prashant Vihar, is hereby quashed.

14. Petition is allowed and disposed of accordingly.

15. Pending application(s), if any, also stand disposed of.

AMIT SHARMA, J

MAY 10, 2024/sn

Click here to check corrigendum, if any