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

+ **CRL.M.C. 3812/2024**

MR. SUBHASH CHANDER DANGWAL & ORS.

..... Petitioners

Through: Mr.Devendra Kumar, Adv. with
petitioners

versus

THE STATE (GOVT. OF NCT OF DELHI) & ANR.

..... Respondents

Through: Mr. Shoaib Haider, APP with
SI Rashmi.

Mr.M.Hasibuddin, Adv. for R-2
with R-2.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **13.05.2024**

CRL.M.A. 14566/2024 (Exemption)

1. Allowed, subject to all just exceptions.

CRL.M.C. 3812/2024

2. 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.5/2021 registered at Police Station: Malviya Nagar, New Delhi under Sections 498A/406/34 of the Indian Penal Code, 1860 (in short, 'IPC'), along with all other proceedings arising therefrom, on the basis of settlement.

3. Issue notice.

4. Notice is accepted by Mr. Shoaib Haider, learned APP and by Mr.M.Hasibuddin, Advocate for the respondent no.2.

5. The learned counsel for the petitioners submits that the subject



FIR was an offshoot of the matrimonial discord between the parties, that is, the petitioner no.1 and the respondent no.2. He submits that the parties have amicably settled their *inter se* disputes and have entered into a Memorandum of settlement on 18.12.2023.

6. Pursuant to the Memorandum of Settlement, the learned counsel for the petitioners has handed over a Demand Draft of a sum of Rs.80,000/- to the respondent no.2.

7. Respondent no.2, who appears in person and has been duly identified by the Investigating Officer (IO), submits that the parties have decided to live apart, however, reaffirms the above-mentioned settlement and states that she has settled all the disputes with the petitioners out of her own free will and without any coercion. She submits that she has no objection if the present FIR is quashed.

8. I have perused the contents of the FIR and also the Settlement between the parties.

9. Keeping in view the fact that the disputes between the parties arose out of a matrimonial relationship, and now the same have been amicably settled, and also looking into the nature of the allegations made in the complaint, in my opinion, no useful purpose would be served in keeping the FIR alive. In fact, it would rather create further acrimony between the parties and will be an unnecessary burden on the State Exchequer.

10. Guided by the principles enunciated by the Supreme Court in its judgments in ***Jitendra Raghuwanshi v. Babita Raghuwanshi***, (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 335, 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.

11. Accordingly, the petition is allowed. FIR No.5/2021 registered at Police Station: Malviya Nagar, New Delhi under Sections 498A/406/34 of the IPC, and all consequential proceedings emanating therefrom against the petitioners are quashed.

NAVIN CHAWLA, J

MAY 13, 2024/Arya/RP

Click here to check corrigendum, if any