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

+ **CRL.M.C. 3818/2024**

SH RAJ KUMAR PASWAN & ORS. Petitioners

Through: **Mr.R.P.Sharma, Mr.Manish
Sharma, Advts. with petitioners.**

versus

STATE OF NCT OF DELHI & ANR. Respondents

Through: **Mr. Shoaib Haider, APP with
WSI Sangeeta.**

Respondent no.2 in person.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **13.05.2024**

CRL.M.A. 14573/2024 (Exemption)

1. Allowed, subject to all just exceptions.

CRL.M.C. 3818/2024

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.347/2013 registered at Police Station: Shahbad Dairy, Delhi, under Sections 498A/406/34 of the Indian Penal Code, 1860 (in short, 'IPC') along with all other proceedings arising therefrom, based on a settlement.

3. 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.

4. The learned counsel for the petitioners submits that the parties



have amicably settled their *inter se* disputes and have entered into a settlement vide Memorandum of Understanding dated 10.05.2018, pursuant to which parties have obtained a decree of divorce vide order dated 12.05.2023.

5. The petitioner no.1 has also filed an affidavit stating that the settlement between the petitioner and the respondent no.2 shall in no manner, prejudice the rights and interests of the child born from the wedlock in the properties or assets of the petitioner and even otherwise. The affidavit is taken on record.

6. The respondent no.2, who is present in Court and duly identified by the Investigating Officer (IO), re-affirms the settlement and states that she has settled all the disputes with the petitioner out of her own free will and without any coercion. The respondent no.2 submits that she does not have any objection if the present FIR is quashed

7. The parties further affirm that they shall abide by the terms of the settlement.

8. I have perused the contents of the FIR and also the settlement arrived at between the parties.

9. As the disputes between the parties arose out of a matrimonial relationship, and now the same have been amicably resolved, 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 as 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 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 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. The aforesaid undertaking as regards the rights of the child born from the wedlock given by the petitioner no.1 is taken on record, and it is made clear that the rights of the child will not be restricted/compromised on the basis of the aforesaid Settlement and all his legal rights will remain protected and available to him in accordance with law.

12. Accordingly, the petition is allowed. FIR No.347/2013 registered at Police Station: Shahbad Daulti, 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

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