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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 1505/2024**
JITENDER KHICHI & ORS. Petitioners
Through: **Mr.Sunil Kumar Agarwal and**
Ms.Neelam Agarwal, Advs.

versus

THE STATE NCT OF DELHI AND ANR Respondents
Through: **Mr.Sanjay Lao, SC (Crl.) with**
Mr.Abhinav Kumar Arya, Adv.
with SI Sunny Khatri
Mr.Deepak Vashisht and
Mr.Akshit Sharma, Advs. for
R-2 along with Respondent
no.2 in person.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER
% **13.05.2024**

CRL.M.A. 14667/2024 (Exemption)

1. Allowed, subject to all just exceptions.

W.P.(CRL) 1505/2024

2. This petition has been filed under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 (in short, 'Cr.P.C.') seeking quashing of FIR No.0054/2017 registered at Police Station: Vijay Vihar, 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 a settlement.

3. Issue notice.



4. Notice is accepted by Mr.Sanjay Lao, learned Standing Counsel (Crl.) for the respondent no.1 and by Mr.Deepak Vashisht, 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. No child is born from the wedlock of the petitioner no.1 and the respondent no.2.
6. He submits that the parties have amicably settled their *inter se* disputes and have entered into a settlement on 03.01.2024 before the Counselling Cell, Family Courts, North West District, Rohini Courts, Delhi. The marriage between the petitioner no.1 and respondent no.2 has already been dissolved vide Decree of Divorce dated 23.04.2024, passed by learned Principal Judge, Family Court, North West District, Rohini Courts, New Delhi.
7. The respondent no.2, who appears in person and has been duly identified by the Investigating Officer (IO), submits that she has already received all amounts which were payable to her in terms of the settlement.
8. The respondent no.2 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.
9. I have perused the contents of the FIR and also the Settlement between the parties.
10. 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 a Decree of Divorce has also been passed by the learned Family Court pursuant to the settlement, 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.

11. 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.

12. Accordingly, the petition is allowed. FIR No.0054/2017 registered at Police Station: Vijay Vihar, 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/ns/am

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