



\$~45

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 3407/2022**
SHIV KUMAR @ YOGESH & ORS.

..... Petitioners

Through: Mr.Harsh Kumar Sachdeva,
Adv. along with the petitioners
present in person.

versus

STATE OF NCT OF DELHI & ANR.

..... Respondents

Through: Mr.Shoaib Haider, APP with SI
Gaurav Yadav, PS Nand Nagri,
Delhi.
Respondent no.2 present in
person.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER
12.02.2024

%

1. 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.769/2016 registered at Police Station: Nand Nagri, North-East District, 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.
2. 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 settlement vide Settlement Agreement dated 17.03.2021. He submits that the Decree of Divorce dated 15.02.2022 has been passed by the learned Principal Judge, Family Courts, Shahdara District, Karkardooma Courts, Delhi.

3. The petitioner no.1, who is present in person, undertakes that the settlement, that has been arrived at between him and the respondent no.2, shall, in no manner, affect the rights of the minor child born out of the wedlock, in the properties and assets of the petitioner no.1.

4. The respondent no.2, who is present in Court and has been duly identified by the Investigating Officer (IO), re-affirms the abovementioned settlement and states that she has settled all the *inter se* disputes with the petitioners of her own free will and without any coercion. The respondent no.2 submits that she does not wish to pursue the proceedings emanating from the FIR any further and has no objection if the present FIR is quashed.

5. I have perused the contents of the FIR and also the settlement between the parties.

6. Keeping in view the fact that the respondent no.2 does not wish to pursue her complaint any further, and the Settlement arrived at between the parties, as also the undertaking given by the petitioner no.1, as recorded hereinabove, I find that no useful purpose shall be served in continuing with the proceedings of the present FIR as the chances of its success will be rather minuscule and it would rather create further acrimony between the parties and will be an unnecessary burden on the State exchequer.



7. 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 3, 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.

8. Accordingly, the petition is allowed. Binding the petitioner no.1 to the undertaking mentioned hereinabove, FIR No.769/2016 registered at Police Station: Nand Nagri, North-East District, Delhi under Sections 498A/406/34 of IPC and all consequential proceedings emanating therefrom against the petitioners are quashed.

9. However, as regards the rights of the child born out of the wedlock, 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.

10. The petition is disposed of in the above terms.

NAVIN CHAWLA, J

FEBRUARY 12, 2024/rv/AS

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