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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 3444/2022**
KANHAIYA LAL & ORS.

..... Petitioners

Through: Mr.Mohd. Zahid, Ms.Suhani
Sumanchna & Mr.Arun Tiwari,
Advs.
Along with the petitioner
present in person

versus

STATE GNCT OF DELHI & ANR.

..... Respondents

Through: Mr.Satinder Singh Bawa, APP.
SI Ajit Krishna, PS Gokalpuri.
Respondent no.2 present in
person.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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19.03.2024

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. 247/2011 registered at Police Station: Gokalpuri, 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 petitioner submits that the subject FIR was an offshoot of the matrimonial discord and some misunderstanding 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 dated 30.11.2017 before the Delhi Mediation Centre, Karkardooma Courts, Delhi.

3. Pursuant to the above-mentioned settlement, the learned Principal Judge, Family Court, Karkardooma Courts, Delhi has granted a decree of divorce dated 13.07.2018 to the parties, that is, the petitioner no.1 and the respondent no.2.

4. The respondent no.2, who is present in Court and has been duly identified by the Investigating Officer (IO), reaffirms the abovementioned settlement and states that she has settled all the disputes with the petitioners out 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. The learned counsel for the petitioners has handed over a Demand Draft of Rs. 2,10,000/- (Rupees Two Lakhs and Ten Thousand Only) to the respondent no.2 as per the terms of the Settlement.

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

7. Keeping in view the fact that the dispute arose between the parties out of a matrimonial discord and that the respondent no.2 does not wish to pursue her complaint any further, as also the Settlement arrived at between the parties, I find that no useful purpose shall be served in continuing with the proceedings of the present FIR as the chances of its success would be rather minuscule and it would create



further acrimony between the parties and will be an unnecessary burden on the State exchequer.

8. 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.

9. Accordingly, the petition is allowed. FIR No. 247/2011 registered at Police Station: Gokalpuri, Delhi under Sections 498A/406/34 of IPC, and all consequential proceedings emanating therefrom against the petitioners are quashed.

NAVIN CHAWLA, J

MARCH 19, 2024/rv/RP

Click here to check corrigendum, if any