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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 1510/2024 & CRL.M.A. 14730/2024(Exemption)**

SURENDER KHICHI & ORS.

..... Petitioners

Through: Mr. Sunil Kumar Agarwal & Ms.
Neelam Agarwal, Advs. with
petitioners in person.

versus

THE STATE NCT OF DELHI AND ANR

..... Respondents

Through: Mr. Sanjay Lao, Standing Counsel
(Criminal) for the State with Ms.
Priyam Aggarwal & Mr. Abhinav
Kumar Arya, Advs. with SI Mohit
Chahar, P.S. Vijay Vihar.
Complainant in person.

CORAM:
HON'BLE MR. JUSTICE AMIT SHARMA

ORDER
14.05.2024

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1. The present petition is under Article 226 of constitution of India r/w section 482 Cr.P.C. seeks quashing of FIR No. 1358/2015, under Section 498A/406/34 IPC, registered at PS Vijay Vihar (Outer) and all other consequential proceedings emanating therefrom, including the chargesheet filed and pending before the Court of Ms. Renu, learned Metropolitan Magistrate, North West, Rohini Court, Delhi.
2. The marriage between the petitioner no.1/husband and the respondent no.2/wife was solemnized on 17.06.2009 as per Hindu Rites and Customs



and one female child was born out of the said wedlock.

3. Due to matrimonial differences between petitioner no. 1 and respondent no. 2, the parties resided separately from 20.06.2014. Subsequently, respondent no.2/complainant lodged an FIR against petitioners.

4. On 03.01.2024, parties arrived at a settlement before learned Judge, Family Courts, North West, Rohini, Delhi and as per the said settlement deed, petitioner no.1 has agreed to pay an amount of Rs. 15,00,000/- to the respondent no.2/wife towards full and final settlement of all her claims including *istridhan*, permanent alimony and maintenance - present, past and future.

5. In terms of the said settlement, the marriage between the parties stands dissolved by a decree of divorce dated 01.04.2024 , passed by Ms. Ms. RajRani, Judge, Family Court, North West, Rohini Courts, Delhi Further, as per the settlement deed, an amount of Rs. 11,50,000/- has already been paid to respondent no.2 and the remaining amount of Rs. 3,50,000/- has been transferred to her account by way of RTGS transfer. As per the said settlement, custody of the minor child will be with the respondent no. 2 and the petitioner no. 1 will have no visitation rights.

6. An affidavit in terms of judgment of Hon'ble Supreme Court in Ganesh vs. Sudhir Kumar Srivastava, & Ors. has been handed up in Court and the same is taken on record.

7. Petitioners and complainant/respondent no. 2 are present before the Court and have been duly identified by the Investigating Officer, SI Mohit Chahar, P.S. Vijay Vihar.

8. The petitioners as well as the complainant/respondent No.2 are



present and have been duly identified by their respective counsel as well as the Investigating Officer, W/SI Anjali, PS Begumpur., Delhi.

9. The Complainant/respondent No.2 states that the matter has been settled with the petitioners and she has no objection if the FIR is quashed against the petitioners. She further states that all the terms of the settlement have been complied with.

10. In view of the settlement between the parties, learned APP for the State also has no objection if the present FIR is quashed.

11. In *Gian Singh v. State of Punjab* (2012) 10 SCC 303, Hon'ble Supreme Court has recognized the need of amicable resolution of disputes by observing as under:-

“61. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceedings or continuation of criminal proceedings would tantamount to abuse of process of law despite settlement and compromise between the victim and the wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in the affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceedings.”

12. In view of the aforesaid circumstances, and the fact that the parties have put a quietus to the dispute, no useful purpose will be served in continuing with the present FIR No. 1358/2015, under Section 498A/406/34 IPC, registered at PS Vijay Vihar (Outer) and all other consequential proceedings emanating therefrom, including the chargesheet filed and pending before the Court of Ms. Renu, learned Metropolitan Magistrate, North West, Rohini Court, Delhi.

13. In the interest of justice, the petition is allowed, and the FIR No.



1358/2015, under Section 498A/406/34 IPC, registered at PS Vijay Vihar (Outer), and all other consequential proceedings emanating therefrom, including the chargesheet filed and pending before the Court of Ms. Renu, learned Metropolitan Magistrate, North West, Rohini Court, Delhi, is hereby quashed.

14. It is however directed that this order shall not come in the way of the minor child in claiming her rights of inheritance, maintenance, educational & marriage expenses, etc. against any of the parties.

15. Petition is allowed and disposed of accordingly.

16. Pending application(s), if any, also stand disposed of.

AMIT SHARMA, J

MAY 14, 2024/nk

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