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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 4011/2024 & CRL.M.A. 15274/2024(Exemption)
DINESH@DINESH KUMAR@DINESH SINGH & ORS.

..... Petitioners
Through: Ms. Riya Tanwar, Adv. with
petitioners in person.
versus
STATE OF DELHI & ANR. Respondents
Through: Mr. Sunil Kumar Gautam, APP for
the State.
W/SI Jyoti, P.S. Kanjhawala.
Ms. Sakshi Maratha & Mr. Ujjwal,
Advs. for R-2 with R-2 in person.

CORAM:
HON'BLE MR. JUSTICE AMIT SHARMA

ORDER
% **17.05.2024**

1. The present petition under Section 482 of the Cr.P.C. seeks quashing of FIR No. 048/2014, under Section 498A/406/34 of the IPC, registered at PS Kanjhawala, Delhi and all other consequential proceedings emanating therefrom, including the chargesheet pending in the Court of Ms. Renu, learned Metropolitan Magistrate, North West, Rohini, Delhi.
2. The marriage between the petitioner no.1/husband and the respondent no.2/wife was solemnized on 11.05.2005 as per Hindu Rites and Customs and one female child namely was born out of the said wedlock.
3. Due to matrimonial differences between petitioner no. 1 and respondent no. 2, the parties started residing separately from 27.06.2012. Subsequently, respondent no.2/complainant lodged an FIR against petitioner



no. 1 (husband), petitioner no. 2 (father-in-law), petitioner no. 3 (mother-in-law), petitioner no. 4 and 5 (brothers-in-law).

4. On 17.12.2021, parties arrived at a settlement before Delhi Mediation Centre, Rohini District Courts, Delhi and as per the said settlement deed, petitioner no.1 has agreed to pay an amount of Rs. 6,00,000/- 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. A copy of the settlement/agreement has been placed on record as Annexure P-7.

5. In terms of the said settlement, the marriage between the parties stands dissolved by a decree of divorce dated 01.10.2022, passed by Ms. Raj Rani, Judge, Family Court, North West, Rohini Courts, Delhi (Annexure P-6). Further, as per the settlement deed, an amount of Rs. 5,00,000/- has already been paid to respondent no.2 and the remaining amount of Rs. 1,00,000/- has been paid to her in Court today, by means of a demand draft. As per the said settlement, custody of the minor child will be with the respondent no. 2 and the petitioner no. 1 will have visitation right *qua* the minor once in a month on every Second Saturday between 04:00 PM to 07:00 PM in future. The parties have undertaken to abide by their reciprocal obligations as agreed in the aforesaid settlement deed.

6. 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 Jyoti, P.S. Kanjhawala, Delhi.

7. A Demand Draft bearing no. 022483 dated 02.04.2024 for Rs. 1,00,000/- drawn on Indian Overseas Bank, Sector 8, Faridabad, has been handed over to the Complainant/Respondent No.2, who acknowledges the



receipt of the same.

8. 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.

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

10. In *Gian Singh v. State of Punjab*, (2012) 10 SCC 303, the 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.”

11. 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. 048/2014, under Section 498A/406/34 of the IPC, registered at PS Kanjhawala, Delhi and all other consequential proceedings emanating therefrom, including the chargesheet pending in the Court of Ms. Renu, learned Metropolitan Magistrate, North West, Rohini, Delhi.

12. In the interest of justice, the petition is allowed, and FIR No. 048/2014, under Section 498A/406/34 of the IPC, registered at PS



Kanjhawala, Delhi and all other consequential proceedings emanating therefrom, including the chargesheet pending in the Court of Ms. Renu, learned Metropolitan Magistrate, North West, Rohini, Delhi, is hereby quashed.

13. 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.

14. Petition is allowed and disposed of accordingly.

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

AMIT SHARMA, J

MAY 17, 2024

Click here to check corrigendum, if any