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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.M.C. 4023/2024**

SHRI NIWAS @ SHRI NIWAS GUPTA Petitioner

Through: Mr.Shailendra Singh, Adv. with
petitioner

versus

STATE OF NCT OF DELHI AND ANR. Respondents

Through: Mr. Shoaib Haider, APP,
Ms.Shiwani Bhargav, Adv.
with SI Neha, ASI Shokindra.
Mr.Harsh Choudhary, Adv. for
R-2 with R-2 in person.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **17.05.2024**

CRL.M.A. 15316/2024 (Exemption)

1. Allowed, subject to all just exceptions.

CRL.M.C. 4023/2024

2. 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.760/2021 registered at Police Station: Krishna Nagar, 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.

3. Issue notice.

4. Notice is accepted by Mr. Shoaib Haider, learned APP and by Mr.Harsh Choudhary, Advocate for the respondent no.2.

5. The learned counsel for the petitioner submits that the subject FIR was an offshoot of the matrimonial discord between the parties,



that is, the petitioner and the respondent no.2. He submits that the parties have amicably settled their *inter se* disputes and have entered into a Memorandum of Settlement on 12.11.2021 and pursuant thereto, the parties have been granted Decree of Divorce vide order dated 10.05.2022 by the learned Family Court, East District, Karkardooma Courts, Delhi.

6. Respondent no.2, who appears in person and has been duly identified by the Investigating Officer (IO), reaffirms the above-mentioned settlement and states that she has settled all the disputes with the petitioner out of her own free will and without any coercion. She submits that she has no objection if the present FIR is quashed.

7. I have perused the contents of the FIR and also the Settlement between the parties.

8. 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 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.

9. 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.

10. Accordingly, the petition is allowed. FIR No.760/2021 registered at Police Station: Krishna Nagar, Delhi under Sections 498A/406/34 of the IPC, and all consequential proceedings emanating therefrom against the petitioner are quashed.

NAVIN CHAWLA, J

MAY 17, 2024/Arya/am

Click here to check corrigendum, if any