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

+ **W.P.(CRL) 1569/2024**

DEEPAK & ORS.

..... Petitioners

Through: Mr. Ravi Mehta, Ms. Urvashi Sharma
and Mr. Naresh D., Advocates
alongwith petitioners in person.

versus

GOVT. OF NCT OF DELHI & ANR.

..... Respondents

Through: Mr. Sanjay Lao, Standing Counsel
(criminal) for the State with Mr.
Abhinav Kumar and Mr. Shivesh
Kaushik, Advocates.
SI Mahesh, PS Palam Village.
Mr. Kuldeep Yadav and Mohd.
Sahabuddin, Advocates for R-2
alongwith R-2 in person.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

17.05.2024

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1. The present petition under Article 226 of the Constitution of India read with Section 482 of the Cr.P.C. seeks quashing of FIR No. 398/2021, under Sections 498A/406/34 of the IPC, registered at PS Palam Village, Delhi.
2. The marriage between the petitioner no.1/husband and the respondent no.2/wife was solemnized on 18.04.2018 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 started residing separately from March, 2020. Subsequently, respondent no.2/complainant lodged an FIR against petitioner



no. 1 (husband), petitioner no. 2 (mother-in-law) and petitioner no. 3 (brother-in-law).

4. On 02.03.2022, parties arrived at a settlement before Counseling Cell, Family Courts, Dwarka Court, New 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 and Rs. 5,000/- per month for the minor daughter on the 10th of every month, w.e.f. the month of first motion with a 10% appreciation every year till the daughter is financially independent. The settlement deed dated 02.03.2022 is on record at Annexure P-2.

5. In terms of the said settlement, the marriage between the parties stands dissolved by a decree of divorce dated 01.05.2023, passed by Ms. Renu Bhatnagar, Principal Judge, Family Court, South West, Dwarka Courts, Delhi (Annexure P-4). Further, as per the settlement deed, the total amount of Rs. 6,00,000/- has already been paid to respondent no.2 by the petitioner no. 1. 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 rights to see the daughter once in 3 months at a mutually agreed place and time.

6. Petitioners and complainant/respondent no. 2 are present before the Court and have been duly identified by their respective counsel, as well as the Investigating Officer, SI Mahesh, PS Palam Village.

7. 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.

8. Learned Standing Counsel for the State submits that investigation in the present FIR is pending and chargesheet has not been filed. In view of the settlement between the parties, learned Standing Counsel for the State also has no objection if the present FIR is quashed.

9. 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.”

10. 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. 398/2021, under Sections 498A/406/34 of the IPC, registered at PS Palam Village, Delhi.

11. In the interest of justice, the petition is allowed, and the FIR No. 398/2021, under Sections 498A/406/34 of the IPC, registered at PS Palam Village, Delhi, is hereby quashed.

12. 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. The petitioner is bound by the undertaking given by him as per the settlement.

13. Petition is allowed and disposed of accordingly.



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

MAY 17, 2024/nk

AMIT SHARMA, J

Click here to check corrigendum, if any