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

+ CRL.M.C. 4088/2024 & CRL.M.A. 15557/2024 (exemption)

PINTU TARAFDAR

..... Petitioner

Through: Mr. Dinesh Kr. Masant, Advocate
alongwith petitioner in person.

versus

STATE GOVT OF NCT OF DELHI AND ANR Respondents

Through: Mr. Sunil Kumar Gautam, APP for
the State.

SI Suresh Kumar, PS New Usman
Pur.

Mr. Parveen Kumar, Advocate for R-
2 alongwith R-2 in person.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

20.05.2024

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1. The present petition filed under Section 482 of the Cr.P.C. seeks quashing of FIR No. 559/2014, under Sections 498A of the IPC, registered at P.S. New Usmanpur and all other consequential proceedings emanating therefrom, including the chargesheet pending before the Court of Ms. Arushi Porwal, learned Metropolitan Magistrate, Mahila Court-02, Karkardooma Courts, Delhi.
2. The marriage between petitioner/husband and respondent no.2/wife was solemnized on 03.12.2003 as per Hindu rites and ceremonies and two children were born out of the said wedlock.
3. Due to matrimonial differences between petitioner no. 1 and respondent no. 2, the parties started residing separately. Subsequently, respondent no.2/complainant lodged an FIR against the petitioner.



4. On 16.11.2023, parties arrived at a settlement before learned Principal 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. 10,00,000/- 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 (Annexure A-4).
5. In terms of the said settlement, the marriage between the parties stands dissolved by a decree of divorce dated 01.03.2024, passed by Sh. Dinesh Bhatt, Principal Judge, Family Court, North-West, Rohini Courts, Delhi (Annexure A-3). Further, as per the settlement deed, an amount of Rs. 6,00,000/- has already been paid to respondent no.2 and the remaining amount of Rs. 4,00,000/- has been paid to her in Court today, by means of a demand draft. As per the said settlement, custody of the minor daughter will be with the respondent no. 2 and the petitioner will have no visitation rights.
6. The affidavit of petitioner in terms of the order of Hon'ble Supreme Court in **Ganesh vs. Sudhir Kumar Srivastava & Ors., Civil appeal nos. 4031-4032/2019 dated 22.04.2019** has been filed on record.
7. Petitioner 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 Suresh Kumar, PS New Usman Pur.
8. A Demand Draft bearing no. 122169 dated 15.05.2024 for Rs. 4,00,000/- drawn on State Bank of India, Modinagar Branch, has been handed over to the Complainant/Respondent No.2, who acknowledges the receipt of the same.
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. 559/2014, under Sections 498A of the IPC, registered at P.S. New Usmanpur and all other consequential proceedings emanating therefrom, including the chargesheet pending before the Court of Ms. Arushi Porwal, learned Metropolitan Magistrate, Mahila Court-02, Karkardooma Courts, Delhi.

13. In the interest of justice, the petition is allowed, and the FIR No. 559/2014, under Sections 498A of the IPC, registered at P.S. New Usmanpur and all other consequential proceedings emanating therefrom, including the chargesheet pending before the Court of Ms. Arushi Porwal, learned Metropolitan Magistrate, Mahila Court-02, Karkardooma Courts,



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 20, 2024/sn

Click here to check corrigendum, if any