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

+ **CRL.M.C. 4231/2024**

SH. RAHUL MITTAL & ORS. Petitioners

Through: **Mr.Surendra Yadav, Adv.**

versus

THE STATE NCT OF DELHI & ANR. Respondents

Through: **Mr. Shoaib Haider, APP for
State alongwith SI Kunal
Kishor.**

**Ms.Soniya Kainthola, Adv. for
R-2 along with R-2 in person.**

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% 22.05.2024

CRL.M.A. 16063/2024 (exemption)

1. Allowed, subject to all just exceptions.

CRL.M.C. 4231/2024

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.234/2018 registered at Police Station: Roop Nagar, under Sections 498A/406/506/34 of the Indian Penal Code, 1860 (in short, 'IPC'), along with all other proceedings arising therefrom, on the basis of a settlement.

3. Issue notice.

4. Notice is accepted by Mr.Shoaib Haider, learned APP and Ms.Soniya Kainthola, learned counsel for the respondent no.2.

5. The learned counsel for the petitioners submits that the subject



FIR was an offshoot of the matrimonial discord between the parties, that is, the petitioner no. 1 and the respondent no. 2.

6. The learned counsel for the petitioners submits that the parties, that is, the petitioner no.1 and the respondent no.2, have amicably settled all their *inter se* disputes vide Settlement/MOU dated 20.02.2024.
7. Pursuant to the above settlement, the parties have also been granted a Decree of Divorce dated 06.05.2024, by which the parties have decided to part ways by mutual consent.
8. The respondent no.2 is present in person and has been duly identified by the Investigating Officer (IO). The petitioner no.1 has handed over a demand draft of Rs.10 lacs to the respondent no.2.
9. The respondent no.2 affirms that she has settled all the disputes with the petitioners of her own free will and without any coercion. The respondent no.2 submits that she has no objection if the present FIR is quashed.
10. The petitioner no.1 has handed over an affidavit undertaking that the settlement of the dispute between the petitioners and the respondent no.2 shall in no manner affect the rights of the child.
11. I have perused the contents of the FIR and also the settlement between the parties.
12. As the disputes between the parties arose out of a matrimonial relationship, and now the same have been amicably settled, a Decree of Divorce has also been granted to the parties pursuant to the settlement, 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.

13. 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.
14. Accordingly, the petition is allowed. FIR No.234/2018 registered at Police Station: Roop Nagar, under Sections 498A/406/506/34 of the IPC and all consequential proceedings emanating therefrom against the petitioners are quashed, binding the petitioner no.1 to the undertaking given by way of aforesaid affidavit.

NAVIN CHAWLA, J

MAY 22, 2024
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[Click here to check corrigendum, if any](#)