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

+ **CRL.M.C. 4327/2024**

YASHPAL KUMAR AND ORS

..... Petitioners

Through: Mr. Amit Gupta & Mr. D.S. Panwar,
Advocates alongwith petitioners in
person.

versus

STATE NCT OF DELHI AND ANR

..... Respondents

Through: Mr. Sunil Kumar Gautam, APP for
the State with SI Ajay Kumar, P.S.
Aman Vihar.
Mr. S.P. Aggarwal, Sr. Counsel with
Mr. Santosh Kumar Srivastav,
Advocate for R-2 alongwith R-2 in
person.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

% **27.05.2024**

CRL.M.A. 16451/2024 (Exemption)

1. Exemption allowed, subject to all just exceptions.
2. The application is accordingly disposed of.

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3. The present petition under Section 482 of the Cr.P.C. seeks quashing of FIR No. 78/2023, under Sections 498A/406/34 of the IPC, registered at P.S. Aman Vihar, Delhi and all other consequential proceedings emanating therefrom, including the chargesheet filed and pending before the Court of



Ms. Preeti Rajoria, Learned Metropolitan Magistrate, Mahila Court, North-West, Rohini Court, Delhi.

4. The marriage between the petitioner no.1/husband and the respondent no.2/wife was solemnized on 12.08.2012 as per Hindu Rites and Customs and one female child was born out of the said wedlock.

5. Due to matrimonial differences between petitioner no. 1 and respondent no. 2, the parties resided separately from 23.07.2022. Subsequently, respondent no.2/complainant lodged a complaint against petitioner no. 1 (husband), petitioner no. 2 (sister-in-law) and petitioner no. 3 (mother-in-law).

6. On 04.01.2024, parties arrived at a settlement before Delhi Mediation Centre, Rohini District Courts, vide settlement/compromise dated 04.01.2024 (the settlement is amended *vide* deed dated 16.05.2024). As per the said settlement, petitioner no.1 has agreed to pay an amount of Rs. 4,25,000/- 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.

7. In terms of the said settlement, the marriage between the parties stands dissolved by a decree of divorce dated 16.05.2024, passed by Ms. Rajrani, Judge, Family Court, North-West, Rohini Court, Delhi (Annexure E- colly). Further, as per the settlement deed, an amount of Rs. 2,00,000/- has already been paid to respondent no.2 and the remaining amount of Rs. 2,25,000/- 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 petitioner no. 1 and respondent no. 2 will have visitation rights, i.e., once in every two months and preferable on the last Sunday of the second month. As per the



settlement, the said visitation shall be around 06 hours and the said visitation can be availed by respondent no. 2 or the *Naani* of the child.

8. 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 Ajay Kumar, P.S. Aman Vihar.

9. A Demand Draft bearing no. 815109, dated 24.05.2024, for Rs. 2,25,000/- drawn on Punjab National Bank, Patiala, Punjab, has been handed over to the complainant/respondent No.2, who acknowledges the receipt of the same.

10. 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.

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

12. 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.”

13. 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. 78/2023, under Sections 498A/406/34 of the IPC, registered at P.S. Aman Vihar, Delhi and all other consequential proceedings emanating therefrom, including the chargesheet filed and pending before the Court of Ms. Preeti Rajoria, learned Metropolitan Magistrate, Mahila Court, North-West, Rohini Court, Delhi.

14. In the interest of justice, the petition is allowed, and the FIR No. 78/2023, under Sections 498A/406/34 of the IPC, registered at P.S. Aman Vihar, Delhi and all other consequential proceedings emanating therefrom, including the chargesheet filed and pending before the Court of Ms. Preeti Rajoria, learned Metropolitan Magistrate, Mahila Court, North-West, Rohini Court, Delhi, is hereby quashed.

15. 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.

16. Petition is allowed and disposed of accordingly.

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

AMIT SHARMA, J

MAY 27, 2024/bsr

Click here to check corrigendum, if any