



\$~6 & 20

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

(6) CRL.M.C. 4003/2024

MOHD JUNED AND ANR Petitioners

Through: Mr. Manoj Kumar, Adv. with
petitioners

versus

THE STATE NCT OF DELHI AND ANR Respondents

Through: Mr. Shoaib Haider, APP with
SI Sandeep Singh.

(20)+ CRL.M.C. 4389/2024 & CRL.M.A. 16662/2024

MOHD UMAR AND ORS Petitioners

Through: Mr. Rizwan Ahmad Khan, Adv.
with petitioners

versus

THE STATE NCT OF DELHI AND ANR. Respondents

Through: Mr. Shoaib Haider, APP with
SI Sandeep Singh.

Mr. Manoj Kumar, Adv. for R-2
with R-2 in person.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

28.05.2024

%

1. These petitions have been filed under Section 482 of the Code of Criminal Procedure, 1973 (in short, 'Cr.P.C.') seeking quashing of the cross-FIR being FIR No.141/2018 registered at Police Station: Ranjit Nagar, Delhi, under Sections 452/323/379/356/34 of the Indian Penal Code, 1860 (in short, 'IPC') and FIR No.140/2018 registered at Police Station: Ranjit Nagar, Delhi, under Sections 323/341/354/354(D)/506/34 of the IPC, along with all other proceedings arising therefrom, based on a settlement.

2. The learned counsels for the parties submit that the present FIRs



were the offshoot of the matrimonial discord between the parties, that is, the petitioner no.1 and the respondent no.2 in CrI. M.C. 4389/2024 as the parties in both the petitions were related to each other and the subject FIRs have been registered as a result of a some misunderstanding between the parties.

3. It is stated that the parties have now amicably settled their *inter se* disputes and have executed Memorandum of Understandings dated 12.10.2023.

4. It is stated that the complainant(s) in both petitions have filed their affidavit affirming the above-mentioned settlement and giving their consent/no-objection for quashing of the abovementioned FIR.

5. The respondent no.2, in both the petitions, who are personally present in Court and have been duly identified by the Investigating Officer (IO), do not oppose the present petitions.

6. The petitioner no.1 in CrI. M.C.4389/2024 has also filed an additional affidavit stating therein that the rights of the minor child born from the wedlock shall not get affected by the settlement that was executed between the petitioner no.1 and the respondent no.2.

7. Copies of the said affidavits have been handed over in the Court. The same be taken on record.

8. I have perused the contents of the FIRs and also the settlement arrived at between the parties.

9. Keeping in view the fact that the complainants in both the petitions do not wish to pursue their complaint(s) any further, as also the Settlement arrived at between the parties, I find that no useful purpose shall be served in continuing with the proceedings of the



present FIRs as it would create further acrimony between the parties and will be an unnecessary burden on the State exchequer.

10. 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.

11. Accordingly, the petition is allowed. FIR No.141/2018 registered at Police Station: Ranjit Nagar, Delhi, under Sections 452/323/379/356/34 of the IPC and FIR No.140/2018 registered at Police Station: Ranjit Nagar, Delhi, under Sections 323/341/354/354(D)/506/34 of the IPC and all consequential proceedings emanating therefrom against the petitioners are quashed.

12. However, as regards the rights of the child born from the wedlock, it is made clear that the rights of the child will not be restricted/compromised on the basis of the aforesaid Settlement and all his legal rights will remain protected and available to his in accordance with law.

NAVIN CHAWLA, J

MAY 28, 2024/Arya

Click here to check corrigendum, if any