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

+ CRL.M.C. 4495/2024 & CRL.M.A. 16976/2024 (exemption)

ATUL KUMAR AND OTHERS

..... Petitioners

Through: Mr. Abhishek Saxena, Mr. Vaibhav Patel, Mr. Ajay Kumar Prajapati, Mr. Singh Nishant, Mr. Sanjay Kumar, Ms. Mumtaz Shaikh and Ms. Kamini Singh, Advocates alongwith petitioners in person.

versus

THE STATE OF NCT OF DELHI AND OTHERS Respondents

Through: Mr. Sunil Kumar Gautam, APP for the State.
SI Alisha Bhati, PS Vasant Kunj North.
Ms. Payal Budhiraja, Advocate for R-2.
R-2 through VC.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

29.05.2024

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1. The present petition filed under Section 482 of the Cr.P.C. seeks quashing of the FIR No. 444/2022, under Sections 498A/406/34 of the IPC, registered at P.S. Vasant Kunj, North and all other consequential proceedings emanating therefrom, including the chargesheet pending before the court of Ms. Komal Garg, learned Metropolitan Magistrate, Mahila Court, Patiala House Courts, Delhi.
2. The marriage between petitioner no.1/husband and respondent no.2/wife was solemnized on 25.04.2021 as per Hindu rites and ceremonies.



3. No child was born out of the said wedlock.
4. 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 petitioners.
5. On 11.08.2023, parties arrived at a settlement and as per the said settlement deed, respondent no.2/wife has made no claims towards *istridhan*, permanent alimony and maintenance - present, past and future. The copy of the aforesaid settlement deed dated 11.08.2023 is on record (Annexure P-2 Colly).
6. In terms of the said settlement, the marriage between the parties stands dissolved by a decree of divorce dated 19.03.2024, passed by Ms. Sukhvinder Kaur, Principal Judge, Family Court, Patiala House Courts, Delhi (Annexure P-6).
7. Petitioners are present before the Court and complainant/respondent no. 2 through video conferencing and have been duly identified by their respective counsel, as well as the Investigating Officer, SI Alisha Bhati, PS Vasant Kunj North.
8. 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. She further states that all the terms of the agreement have been complied with.
9. In view of the settlement between the parties, learned APP for the State also has no objection if the present FIR is quashed.
10. In *Gian Singh v. State of Punjab*, (2012) 10 SCC 303, the 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 proceeding.”

11. 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. 444/2022, under Sections 498A/406/34 of the IPC, registered at P.S. Vasant Kunj, North and all other consequential proceedings emanating therefrom, including the chargesheet pending before the court of Ms. Komal Garg, learned Metropolitan Magistrate, Mahila Court, Patiala House Courts, Delhi.

12. In the interest of justice, the petition is allowed, and the FIR No. 444/2022, under Sections 498A/406/34 of the IPC, registered at P.S. Vasant Kunj, North and all other consequential proceedings emanating therefrom, including the chargesheet pending before the court of Ms. Komal Garg, learned Metropolitan Magistrate, Mahila Court, Patiala House Courts, Delhi, is hereby quashed.

13. Petition is allowed and disposed of accordingly.

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

AMIT SHARMA, J

MAY 29, 2024/sn

Click here to check corrigendum, if any