



\$~29

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

+ **CRL.M.C. 4516/2024**

MUNISH MAHAJAN & ORS.

..... Petitioners

Through: Mr.K.K. Aggarwal &
Ms.Gayatri Aggarwal, Advs.
Along with the petitioners
present in person.

versus

THE STATE GOVT OF NCT & ANR. Respondents

Through: Ms.Priyanka Dalal, APP.
SI Vijay Pal Singh, PS CWC
Nanak Pura.
Ms.Pooja Manaktala, Adv. for
R-2.
Respondent no.2 present in
person.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **29.05.2024**

CRL.M.A. 17021/2024 (Exemption)

1. Allowed, subject to all just exceptions.

CRL.M.C. 4516/2024

2. This petition has been filed under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 (in short, 'Cr.P.C.') seeking quashing of FIR No. 9/2021 registered at Police Station: Nanak Pura under Sections 498A/406/34 of the Indian Penal Code, 1860 (in short, 'IPC'), along with all other proceedings arising therefrom, on the basis of settlement.

3. Issue notice.

4. Notice is accepted by Ms.Priyanka Dalal, learned APP for the

State and Ms.Pooja Manaktala, learned counsel for 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 petitioners and the respondent no.2.

6. He submits that the parties have amicably settled their *inter se* disputes and have entered into a Settlement Agreement dated 01.05.2024.

7. Pursuant to the above-mentioned settlement, the learned Judge Family Court, Tis Hazari Courts, Delhi has granted a Decree of Divorce dated 14.05.2024 to the parties, that is, the petitioner no.1 and the respondent no.2.

8. The respondent no.2, who is personally present in Court and has been duly identified by the Investigating Officer (IO), reaffirms the above-mentioned settlement and states that she has settled all the disputes with the petitioners out of her own free will and without any coercion. The respondent no.2 submits that she does not wish to pursue the proceedings emanating from the FIR any further and has no objection if the present FIR is quashed.

9. The petitioner no.3, who is also present in person, states that she will not pursue her complaint no. 2087315 made with the SBS Nagar Police Station, Ludhiana, Punjab any further. She has also requested for closure of the said complaint. The petitioner no.3 is bound by the statement so made.

10. The learned counsel for the petitioners submits that a sum of Rs.10,50,000/- (Rupees Ten Lakhs Fifty Thousand Only) as per the terms of the Settlement has been paid to the respondent no.2.

11. I have perused the contents of the FIR and considered the submissions made.

12. Keeping in view the fact that the disputes between the parties arose out of a matrimonial relationship and such disputes have been amicably settled by way of the Settlement dated 01.05.2024, pursuant where to the petitioners and the respondent no.2 have also been granted a Decree of Divorce by the learned Family Court, in my view, 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. 9/2021 registered at Police Station: Nanak Pura under Sections 498A/406/34 of the IPC, and all consequential proceedings emanating therefrom against the petitioners are quashed.

NAVIN CHAWLA, J

MAY 29, 2024/rv

Click here to check corrigendum, if any