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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 4341/2022 & CRL.M.A. 17773/2022**
SH. DEEPAK KUMAR & ORS.

..... Petitioners

Through: Mr.Vishal Bhatnagar, Adv.
(through VC) along with
petitioners present in person.

versus

STATE & ANR.

..... Respondents

Through: Mr.Satinder Singh Bawa, APP.
SI Sudhir Dahiya, PS Aman
Vihar.
Respondent no.2 not present.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

11.03.2024

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1. 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. 1019/2017 registered at Police Station: Aman Vihar, Outer District, Delhi 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 a settlement.
2. The disputes between the parties have arisen out of the matrimonial relationship between the petitioner no.1 and respondent no.2.
3. The learned counsel for the petitioners states that these disputes were amicably settled between the parties and based thereon, the marriage between the petitioner no.1 and respondent no.2 stood



dissolved by mutual consent under Section 13-B (2) of the Hindu Marriage Act, 1955 by a Decree of Divorce dated 18.09.2019 passed by the learned Judge, Family Court, North-West District, Rohini Courts, Delhi in HMA Petition No. 2109/2019 titled ***Smt.Rinki v. Sh.Deepak Kumar***.

4. Notice of this petition was issued to respondent no.2 vide order dated 13.09.2022. As the respondent no.2 could not be served, fresh notice was directed to be issued to respondent no.2 vide order dated 12.10.2023. The office report indicates that notice again could not be served on respondent no.2 as she was not found at the given address.

5. The learned APP, on instructions from the Investigating Officer ('IO'), submits that, in fact, the address of the respondent no.2 is not available with the IO and the mobile numbers of the respondent no.2 that were available with the IO are also not reachable.

6. I have perused the contents of the FIR and also the settlement between the parties.

7. As the disputes between the parties arose out of a matrimonial relationship, and as the parties have already settled their *inter se* disputes amicably and based thereon, divorce has already been granted to the petitioner no.1 and respondent no.2, 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.

8. 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.

9. Accordingly, the petition is allowed. FIR No. 1019/2017 registered at Police Station: Aman Vihar, Outer District, Delhi under Sections 498A/406/34 of the IPC, all consequential proceedings emanating therefrom against the petitioners are quashed.

NAVIN CHAWLA, J

MARCH 11, 2024/rv/AS

Click here to check corrigendum, if any