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

+ CRL.M.C. 4393/2022

PRADEEP SINGH

..... Petitioner

Through: Mr.Mukesh Sharma, Adv. with
petitioner (VC).

versus

STATE OF DELHI NCT & ANR.

..... Respondents

Through: Mr.Naval Kishore Jha, APP
with W/SI Damini.

Mr.Varun Mittal, Ms.Kajal
Garg, Advs. for R-2 with R-2
(VC).

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

26.02.2024

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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.0047/2017 registered at Police Station: Vikas Puri, West-District, Delhi, under Sections 406/498A/34 of the Indian Penal Code, 1860 (in short, 'IPC'), along with all other proceedings arising therefrom, based on a settlement.

2. The learned counsel for the petitioner submits that the subject FIR was an offshoot of the matrimonial discord between the parties, that is, the petitioner and the respondent no. 2.

3. The learned counsel for the petitioner submits that the parties have amicably settled their *inter se* disputes and have entered into a settlement vide Compromise Deed dated 11.05.2022.

4. Pursuant to the above mentioned settlement, the learned Family



Court has granted divorce to the parties, that is, the petitioner and the Respondent no.2, vide Decree of Divorce dated 18.07.2019.

5. The learned counsel for the petitioner and the respondent no.2, who appear virtually, submit that the custody of the child born from the wedlock of the petitioner and the respondent no.2, is with the respondent no.2.

6. The petitioner, who appears virtually, undertakes that the settlement between the parties shall, in no manner, prejudice the interests of the child she may have against the petitioner.

7. The respondent no.2, who also appears virtually and has been duly identified by the Investigating Officer (IO), re-affirms the settlement and states that she has settled all the disputes with the petitioner of her own free will and without any coercion. The respondent no.2 submits that she does not have any objection if the present FIR is quashed.

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

9. As the disputes between the parties arose out of a matrimonial relationship, and now the same have been amicably resolved, and the fact that a Decree of Divorce has already been granted by the learned Family Court pursuant to the settlement, and also looking into the nature of the allegations made in the complaint, in my opinion, no useful purpose would be served in keeping the FIR alive, as the chances of its success will be rather minuscule. In fact, it would rather 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. The aforesaid undertaking given by the petitioner is taken on record.

12. Accordingly, binding the petitioner to the abovementioned undertaking, the petition is allowed. FIR No.0047/2017 registered at Police Station: Vikas Puri, West-District, Delhi, under Sections 406/498A/34 of the IPC and all consequential proceedings emanating therefrom against the petitioner are quashed.

NAVIN CHAWLA, J

FEBRUARY 26, 2024/Arya/ss

Click here to check corrigendum, if any