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

+ CRL.M.C. 4395/2022

RAHUL SHARMA

..... Petitioner

Through: Mr.Pranab, Adv. along with the
petitioner in person.

versus

THE STATE AND ANR

..... Respondents

Through: Mr.Shoaib Haider, APP with SI
Vijay Meena.

Ms.Sunita Arora, Adv.
(DHCLSC) for R-2 along with
R-2 in person.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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09.04.2024

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.0369/2021 registered at Police Station: Civil Lines, North-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 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. He submits that the parties, that is, the petitioner and the respondent no.2 have amicably settled their *inter se* disputes and have entered into a settlement, terms whereof have been recorded in the



Judgement / Decree of Divorce dated 04.11.2022, passed by the Additional Principal Judge, Family Courts, Ujjain, M.P. and whereby the divorce by mutual consent has been granted by the learned Family Court.

4. The respondent no.2 is present in person in Court and has been duly identified by the Investigating Officer (IO). The respondent no.2 affirms 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 has no objection if the present FIR is quashed.

5. The respondent no.2 further submits that though the settlement amount has been debited from the account of the petitioner, the same has not been credited to her account till yet, however, she reaffirms that she has no objection if the present FIR is quashed.

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 discord, and now the same have been amicably settled, a decree of divorce has also been passed by the learned Family Court pursuant to the settlement between the parties, 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. 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.0369/2021 registered at Police Station: Civil Lines, North-District, Delhi, under Sections 498A/406/34 of the IPC and all consequential proceedings emanating therefrom against the petitioner are quashed.

NAVIN CHAWLA, J

APRIL 9, 2024

RN/ss

[Click here to check corrigendum, if any](#)