



\$~39

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

+ CRL.M.C. 4429/2022

NARESH KAPOOR

..... Petitioner

Through: Mr.Yash Aggarwal, Adv.

versus

THE STATE (GOVT. OF NCT OF DELHI) & ANR.

..... Respondents

Through: Mr. Shoaib Haider, APP
alongwith SI Gangandeep
Dangi.

Ms.Anjna Masih, Adv. for R-2
with R-2 in person.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

11.01.2024

%

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. 596/2015 registered at Police Station: Prashant Vihar, Delhi under Sections 498A/406/34 of the Indian Penal Code, 1860 (in short, 'IPC').

2. The learned counsels for the parties submit that the parties have resolved their *inter se* disputes amicably and have entered into a Settlement Deed/Memorandum of Understanding dated 06.11.2020, recording the terms thereof.

3. The learned counsel for the petitioner submits that the FIR was an offshoot of the matrimonial discord between the parties. He submits that the marriage between the petitioner and the respondent no.2 has already been dissolved by the learned Family Court by



mutual consent *vide* the decree of divorce dated 12.07.2022. He submits that the disputes between the parties already stand resolved and therefore, the FIR and the proceedings emanating therefrom deserve to be quashed.

4. The respondent no.2 is present in Court and has been duly identified by the IO. She submits that the disputes between the parties have been amicably settled and she does not wish to pursue the case any further.

5. Considering the above settlement between the parties, there would be no use in continuing with proceedings of the present FIR as it would rather create further acrimony between the parties and will be a misuse of the process of the Court. Keeping in view the above and the principles laid down by the Supreme Court in ***Gian Singh v. State of Punjab***, (2012) 10 SCC 303 and ***Jitendra Raghuvanshi v. Babita Raghuvanshi***, (2013) 4 SCC 58, I find that no useful purpose would be served in continuing with the criminal proceedings as it would be an unnecessary burden on the State exchequer.

6. Accordingly, the FIR No. 596/2015 registered at Police Station: Prashant Vihar, Delhi under Sections 498A/406/34 IPC and all the proceedings emanating therefrom are quashed.

7. The parties shall abide by the terms of the settlement.

8. The petition is disposed of in the above terms.

NAVIN CHAWLA, J

JANUARY 11, 2024
RN/AS

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