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

+ **CRL.M.C. 4435/2022**

SH JITENDER AND ORS

..... Petitioners

Through: Ms.Shalu Gupta, Adv.

versus

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

..... Respondents

Through: Mr.Satinder Singh Bawa, APP
with ASI Harswaroop.

Respondent no.2 in person.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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07.02.2024

CRL.M.A. 3976/2024

1. For the reasons stated in the application, the application is allowed.

2. With the consent of the parties, the petition is taken up for hearing today itself.

CRL.M.C. 4435/2022

3. 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. 866/2015 registered at Police Station: Burari, Delhi under Section 498A/406/34 of the Indian Penal Code, 1860 (in short, 'IPC') along with all other proceedings arising therefrom.

4. The learned counsel for the petitioners submits that the parties have amicably settled their *inter se* disputes and have entered into a



settlement vide Settlement Agreement/Compromise dated 13.01.2022 and bases thereon a Decree of Divorce dated 13.05.2022 has been passed between the petitioner no.1 and the respondent no.2.

5. The respondent no.2, who is present in Court and has been duly identified by the Investigating Officer (IO), affirms the settlement and states that she has settled all the disputes with the petitioners 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.

6. The petitioners have handed over a Demand Draft of Rs.1 lac to the respondent no.2 in Court.

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

8. Keeping in view the fact that the respondent no.2 does not wish to pursue her complaint any further, as also the Settlement arrived at between the parties, I find that no useful purpose shall be served in continuing with the proceedings of the present FIR as the chances of its success will be rather minuscule and it would rather create further acrimony between the parties and will be an unnecessary burden on the State exchequer.

9. 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 3, 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.

10. Accordingly, the petition is allowed. FIR No. 866/2015 registered at Police Station: Burari, Delhi under Section 498A/406/34 of the IPC and all consequential proceedings emanating therefrom against the petitioners are quashed.

11. The petition is disposed of.

12. The next date, that is, 21.03.2024 stands cancelled.

NAVIN CHAWLA, J

FEBRUARY 7, 2024/Arya/RP

Click here to check corrigendum, if any