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

+ **CRL.M.C. 6473/2023**

AMIT KHANNA & ORS.

..... Petitioners

Through: Mr. Anuj Aggarwal, Mr. Vineet Kr. Jain, Mr. Abhishek Gupta and Ms. Reema Singh, Advocates alongwith P-1 in person and P-2 to P-8 through VC.

versus

THE STATE NCT OF DELHI & ANR.

..... Respondents

Through: Mr. Tarang Srivastava, APP for the State.

SI Amit, PS Prashant Vihar.

Mr. Anukul Adhana, Advocate for R-2 alongwith R-2 in person.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

16.02.2024

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1. The present petition under Section 482 Cr.P.C. seeks quashing of FIR No. 219/2005, under Section 498A/406/34 of the IPC, registered at PS Prashant Vihar and all other consequential proceedings emanating therefrom, including the chargesheet filed and pending before the Court of Ms. Preeti, learned Metropolitan Magistrate, Mahila Court, North West District, Rohini Court, New Delhi.
2. The marriage between the petitioner no.1/husband and the respondent no.2/wife was solemnized on 31.01.2004 as per Hindu Rites and Customs and one male child was born out of the said wedlock.
3. Due to matrimonial differences between petitioner no. 1 and



respondent no. 2, the parties resided separately from November 2005. Subsequently, respondent no.2/complainant registered an FIR against petitioner no. 1 (husband), petitioner no. 2 (mother-in-law), petitioner no. 3 (sister-in-law), petitioner no. 4 (brother-in-law), petitioner no. 5 (sister-in-law), petitioner no. 6 (brother-in-law), petitioner no. 7 (sister-in-law) and petitioner no. 8 (brother-in-law).

4. On 18.05.2022, parties arrived at a Memorandum of Understanding and as per the said settlement deed, petitioner no.1 has agreed to pay an amount of Rs. 9,00,000/- to the respondent no.2/wife towards full and final settlement of all her claims including *istridhan*, permanent alimony and maintenance - present, past and future (Annexure P-2).

5. In terms of the said settlement, the marriage between the parties stands dissolved by a decree of divorce dated 12.10.2022, passed by Nivedita Anil Sharma, Principal Judge, Family Court, North, Rohini Courts, Delhi (Annexure P-3 Colly). Further, as per the settlement deed, an amount of Rs. 6,00,000/- has already been paid to respondent no.2 and the remaining amount of Rs. 3,00,000/- has been paid to her in Court today, by means of a demand draft. As per the said settlement, absolute custody of the minor child will be with the respondent no. 2 and the petitioner no. 1 will have no visitation rights in future.

6. Petitioner no. 1 and complainant/respondent no. 2 are present before the Court and petitioners nos. 2 to 8 are present through video conferencing and all have been duly identified by their respective counsel, as well as the Investigating Officer, SI Amit, PS Prashant Vihar.

7. A Demand Draft bearing no. 002312 dated 02.12.2023 for Rs. 3,00,000/- drawn on Bandhan Bank has been handed over to the



Complainant/Respondent No.2, who acknowledges the receipt of the same.

8. The Complainant/respondent No.2 states that the matter has been settled with the petitioners and she has no objection if the FIR is quashed against the petitioners. She further states that all the terms of the settlement have been complied with.

9. In view of the settlement between the parties, learned APP for the State also has no objection if the present FIR is quashed.

10. In *Gian Singh v. State of Punjab* (2012) 10 SCC 303, Hon'ble Supreme Court has recognized the need of amicable resolution of disputes by observing as under:-

“61. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceedings or continuation of criminal proceedings would tantamount to abuse of process of law despite settlement and compromise between the victim and the wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in the affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceedings.”

11. In view of the aforesaid circumstances, and the fact that the parties have put a quietus to the dispute, no useful purpose will be served in continuing with the present FIR No. 219/2005, under Section 498A/406/34 of the IPC, registered at PS Prashant Vihar and all other consequential proceedings emanating therefrom, including the chargesheet filed and pending before the Court of Ms. Preeti, learned Metropolitan Magistrate, Mahila Court, North West District, Rohini Court, New Delhi.

12. In the interest of justice, the petition is allowed, and the FIR No. 219/2005, under Section 498A/406/34 of the IPC, registered at PS Prashant



Vihar and all other consequential proceedings emanating therefrom, including the chargesheet filed and pending before the Court of Ms. Preeti, learned Metropolitan Magistrate, Mahila Court, North West District, Rohini Court, New Delhi, is hereby quashed.

13. It is however directed that this order shall not come in the way of the minor child in claiming his rights of inheritance, maintenance, educational & marriage expenses, etc. against any of the parties.

14. Petition is allowed and disposed of accordingly.

15. Pending application(s), if any, also stand disposed of.

AMIT SHARMA, J

FEBRUARY 16, 2024/sn