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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
(43)+ CRL.M.C. 4965/2022
(45) CRL.M.C. 5067/2022 & CRL.M.A. 21239/2022

KRISHAN LAMBA & ORS.
MANOJ LAMBA & ORS.

..... Petitioners
..... Petitioners

Through: Mr.Brijendra Pratap Singh,
Mr.Daljeet Singh Chhina,
Mr.Anubhav, Advs with
petitioners in person.

versus

STATE OF NCT DELHI & ANR.

..... Respondents

Through: Mr.Aman Usman, APP with SI
Shashi.
Mr.Vikram Jit Saini, Adv. for
R-2 with R-2 in person.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER
21.03.2024

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1. These petitions have been filed under Section 482 of the Code of Criminal Procedure, 1973 (in short, 'Cr.P.C.') seeking quashing of FIR No. 177/2020 registered at Police Station: Gulabi Bagh, North District, Delhi under Sections 323/354/354B/509/34 of the Indian Penal Code, 1860 (in short, 'IPC') (in CRL.M.C. 4965/2022) and FIR No.101/2019 registered at Police Station: Gulabi Bagh, North District, Delhi under Sections 323/354/506/34 of the IPC (in CRL.M.C. 5067/2022), along with all other proceedings arising therefrom, on the basis of a settlement.



2. The learned counsel for the petitioners submits that disputes arose out of matrimonial discord between the respondent no.2 in CRL.M.C. 5067/2022 and Sh.Vijay Lamba. He submits that the parties have amicably settled their *inter se* disputes and have entered into a settlement vide Memorandum of Understanding (in short, 'MOU') dated 05.07.2022.

3. The complainant(s)/respondent no.2 respectively in both the petitions are present in person in Court. They have been duly identified by the learned counsels and the Investigating Officer (IO). They submit that they wish to withdraw their consent for quashing of the FIR(s) as Mr.Vijay Lamba had stopped paying monthly maintenance of Rs.25,000/- as has been agreed in terms of the Settlement/MOU dated 05.07.2022.

4. Mr.Vijay Lamba, who is personally present in the Court states that the entire arrears of maintenance as agreed shall be paid to the respondent no.2 within a period of four weeks from today. As far as the future maintenance is concerned, he undertakes that the same shall be paid on a regular basis on or before the 10th day of each Calendar month to the respondent no.2. He further undertakes that Rs.50,000/- which is the balance remaining payable for the agreed sum for litigation expenses to the respondent no.2 shall also be paid within the abovementioned period.

5. In ***Jitendra Raghuvanshi v. Babita Raghuvanshi***, (2013) 4 SCC 58, it was held as under:

“15. In our view, it is the duty of the courts to encourage genuine settlements of matrimonial



disputes, particularly, when the same are on considerable increase. Even if the offences are non-compoundable, if they relate to matrimonial disputes and the Court is satisfied that the parties have settled the same amicably and without any pressure, we hold that for the purpose of securing ends of justice, Section 320 of the Code would not be a bar to the exercise of power of quashing of FIR, complaint or the subsequent criminal proceedings.

16. *There has been an outburst of matrimonial disputes in recent times. The institution of marriage occupies an important place and it has an important role to play in the society. Therefore, every effort should be made in the interest of the individuals in order to enable them to settle down in life and live peacefully. If the parties ponder over their defaults and terminate their disputes amicably by mutual agreement instead of fighting it out in a court of law, in order to do complete justice in the matrimonial matters, the courts should be less hesitant in exercising their extraordinary jurisdiction. It is trite to state that the power under Section 482 should be exercised sparingly and with circumspection only when the Court is convinced, on the basis of material on record, that allowing the proceedings to continue would be an abuse of process of court or that the ends of justice require that the proceedings ought to be quashed. We also make it clear that exercise of such power would depend upon the facts and circumstances of each case and it has to be exercised in appropriate cases in order to do real and substantial justice for the administration of which alone the courts exist. It is the duty of the courts to encourage genuine settlements of matrimonial disputes and Section 482 of the Code enables the High Court and Article 142 of the Constitution enables this Court to pass such orders.”*



6. Binding Mr.Vijay Lamba to the undertaking that has been given hereinabove, and with the consent of the respective respondent no.2 in both the petitions and guided by the principles enunciated by the Supreme Court in its judgments in ***Jitendra Raghuvanshi*** (Supra); ***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.

7. Accordingly, the petitions are allowed. Consequently, FIR No. 177/2020 registered at Police Station: Gulabi Bagh, North District, Delhi under Sections 323/354/354B/509/34 of the IPC and FIR No.101/2019 registered at Police Station: Gulabi Bagh, North District, Delhi under Sections 323/354/506/34 of the IPC and all consequential proceedings emanating therefrom against the petitioners are quashed.

8. The respondent no.2 in the respective petitions submit that if Mr.Vijay Lamba adheres to the abovementioned undertaking, they shall also withdraw the proceedings under the Protection of Women from Domestic Violence Act, 2005.

9. It is made clear that in case Mr.Vijay Lamba fails to comply with his undertaking mentioned hereinabove, apart from initiating the proceedings of Contempt of Court against him, the abovementioned FIRs that have been quashed shall also be revived and strict action shall be recommended to be taken against Mr.Vijay Lamba.



10. The pending application is also disposed of as being rendered infructuous.

NAVIN CHAWLA, J

MARCH 21, 2024/Arya/AS

Click here to check corrigendum, if any