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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 4982/2022**
HARKESH KUMAR DANG

..... Petitioner

Through: Mr.Ankit Rana & Mr.Tushar
Rohmetra, Advs. along with the
petitioner present in person.

versus

STATE (GOVT. OF NCT OF DELHI) AND ANR.

..... Respondents

Through: Ms.Priyanka Dalal, APP.
SI Rohit, PS Rajouri Garden.
Mr.Nishant Bhardwaj &
Mr.Manoj Kumar Sharma,
Advs. for R-2.
Respondent no.2 present
through VC.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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01.05.2024

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.0842/2020 registered at Police Station: Rajouri Garden, West-District, Delhi under Sections 363/365 of the Indian Penal Code, 1860 (in short, 'IPC'), along with all other proceedings arising therefrom, on the basis of settlement.
2. The learned counsel for the petitioners submits that the subject FIR was an offshoot of the matrimonial discord between the parties, that is, the petitioner no.1 and the respondent no.2. He submits that the parties have amicably settled their *inter se* disputes and have entered



into a settlement, as recorded in the judgement dated 12.01.2023 passed by this court in MAT APP (FC) 200/2022 titled as ***Harkesh Kumar Dang v. Tamanna Dang***, and order dated 30.10.2023 passed in Cont.Cas(C) 1036/2023 titled as ***Harkesh Kumar Dang v. Tamanna Dang***.

3. The learned counsel for the petitioner submits that the petitioner has complied with the terms of the settlement inasmuch as the closure report has been filed by the Police before the learned Trial Court at Gautam Buddh Nagar and the case has been closed.

4. The learned counsel for the respondent, however, states that in terms of paragraph 8 of the order dated 30.10.2023 passed by a Coordinate Bench of this Court in Contempt Case (C) 1036/2023, the petitioner on resuming his job in Germany is to pay 1000EUR as maintenance and 500EUR towards clearing of maintenance every month. He submits that there is no assurance as to when the petitioner will be resuming his job in Germany.

5. The learned counsel for the petitioner submits that the petitioner will now be applying for VISA and completing the other formalities for travelling to Germany. He submits that, in any case, and for any reason the petitioner is unable to travel to Germany or resume his work within a period of four months from today, the petitioner shall start paying the agreed maintenance in terms of the order dated 30.10.2023 read with settlement dated 12.01.2023. In case he joins the work prior thereto, she shall strictly comply with the undertaking so given and recorded in the order dated 30.10.2023.

6. The learned counsel for the respondent submits that all cases



against the petitioner have since been closed and respondent no.2 has no objection if the present FIR is quashed.

7. The respondent no.2, who is present through VC and has been duly identified by the Investigating Officer (IO), she reaffirms the above-mentioned settlement and states that she has no objection if the present FIR is quashed.

8. I have perused the contents of the FIR, the Settlement and considered the submissions made.

9. Keeping in view the fact that the disputes between the parties arose out of a matrimonial relationship, and now the same have been amicably settled, 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.

10. 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.

11. Accordingly, the petition is allowed. FIR No.0842/2020 registered at Police Station: Rajouri Garden, West-District, Delhi



under Sections 363/365 of the IPC, and all consequential proceedings emanating therefrom against the petitioner are quashed.

12. The parties shall remain bound by the statement which has been recorded herein above.

NAVIN CHAWLA, J

MAY 1, 2024/rv/ss

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