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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 5016/2022**
AJAY SHARMA

..... Petitioner

Through: Mr.Ujjwal Goel, Adv. with
petitioner present in person
(through VC).

versus

STATE GOVT. OF NCT OF DELHI & ANR.

..... Respondents

Through: Mr.Satinder Singh Bawa, APP.
SI Anup Rana, PS Bindapur.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

06.02.2024

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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.1233/2015 registered at Police Station: Bindapur, South-West District, Delhi under Section 498A 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 petitioner submits that the subject FIR was an offshoot of the matrimonial discord between the parties, that is, the petitioner and the respondent no.2. He submits that the parties have amicably settled their *inter se* disputes and have entered into a settlement vide Settlement Agreement/Compromise dated 18.01.2021 before the Counselling Cell, Family Court, Dwarka, New Delhi.



3. The respondent no.2, who is present in Court and has been duly identified by the Investigating Officer (IO), reaffirms the abovementioned settlement and states that she has settled all the disputes with the petitioner 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. However, she complains that copies of her identity card including her Aadhar Card and also her photographs are with the petitioner, which are likely to be misused. The petitioner, who appears virtually, undertakes not to use copy of the Aadhar Card or the photographs of the respondent no.2 in any manner. He shall be bound by this undertaking.

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

5. Keeping in view the fact that 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.

6. 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.

7. Accordingly, the petition is allowed. FIR No.1233/2015 registered at Police Station: Bindapur, South-West District, Delhi, under Section 498A of the IPC, and all consequential proceedings emanating therefrom against the petitioner are quashed.

8. However, as regards the rights of the child born out of the wedlock, it is made clear that the rights of the child will not be restricted/compromised on the basis of the aforesaid Settlement and all his legal rights will remain protected and available to him in accordance with law.

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

NAVIN CHAWLA, J

FEBRUARY 6, 2024/rv/AS

Click here to check corrigendum, if any