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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 5474/2022 & CRL.M.A. 21773/2022
HARPREET BAGGA AND ORS Petitioners
Through: Mr.Mayank Aggarwal, Adv.

versus

STATE AND ANR. Respondents
Through: Mr.Ajay Vikram Singh, APP
with SI Nimesh Yadav, ASI
Neeraj Rana.
Mr.Vijay Kumar, Adv. for R-2
with R-2 in person.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **19.01.2024**

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.0188/2019 registered at Police Station: Begumpur, Rohini District, Delhi under Sections 498A/406 of the Indian Penal Code, 1860 (in short, 'IPC') along with all other proceedings arising therefrom.
2. The learned counsel for the petitioners submits that the parties have amicably settled their disputes and have entered into a Memorandum of Settlement (MOS) dated 13.04.2022. Pursuant to the said Settlement, a decree of divorce has also been passed by the learned Family Court on 30.08.2022, dissolving the marriage between the petitioner no.1 and the respondent no.2 by mutual consent.
3. The petitioner no.1 has also filed an affidavit dated 16.05.2023 wherein he *inter-alia* stated as under:

"6. That the Deponent submits that the



settlement deed between him and the Respondent No 2 have not determined the right, title and interest of the child Master Agam Singh.”

4. The respondent no.2 is present in person in court and has been duly identified by the Investigating Officer (IO). The respondent no.2 affirms 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 without prejudice to the rights of the minor child, she has no objection if the present FIR is quashed.

5. In view of the above, and considering the Settlement between the parties, I find that no useful purpose will be served in continuing with the proceedings of the present FIR as it would rather create further acrimony between the parties and will be an unnecessary burden on the State exchequer. I am also guided by the principles enunciated by the Supreme Court in its judgments in ***Gian Singh v. State of Punjab***, (2012) 10 SCC 303; ***Parbatbhai Aahir @ Parbatbhai Bimsinh Karmur & Ors. v. State of Gujarat & Ors.*** and (2017) 9 SCC 641 and ***State of Haryana & Ors. v. Bhajan Lal & Ors.*** 1992 Supp (1) SCC 3.

6. I, therefore, deem it appropriate, in the interest of justice, to exercise the inherent powers of this Court under Section 482 of the Cr.P.C. to quash the above mentioned FIR and all the proceedings emanating therefrom.

7. Accordingly, the petition is allowed. FIR No.0188/2019 registered at Police Station: Begumpur, Rohini District, Delhi under



Sections 498A/406 of the IPC and all consequential proceedings emanating therefrom against the petitioners are quashed.

8. However, as regards the rights of the minor child, 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 as per law.

NAVIN CHAWLA, J

JANUARY 19, 2024/Arya/ss

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