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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 5553/2022**
RAHUL & ORS. Petitioners

Through: Mr.Omkar Sharma,
Mr.Himanshu Sharma, Adv.
along with P-1 in person.

versus

THE STATE & ANR. Respondents

Through: Mr.Shoaib Haider, APP with
W/SI Suman, SI Harender
Kumar.
R-2 in person.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER
19.02.2024

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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.299/2015 registered at Police Station: Lahori Gate, North District, Delhi, under Sections 498A/328 of the Indian Penal Code, 1860 (in short, 'IPC'), along with all other proceedings arising therefrom, based on a 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.

3. The learned counsel for the petitioners submits that the parties have amicably settled their *inter se* disputes and have entered into a settlement vide Settlement Agreement dated 24.02.2020 before the



Counsellor, Family Courts, West District, Tis Hazari Courts, Delhi. He submits that in furtherance of the abovementioned settlement, a decree of divorce has already been granted to the petitioner no.1 and the respondent no.2 by the learned Family Court, Central District, Tis Hazari Courts, Delhi (hereinafter referred to as the 'Family Court') vide Order dated 25.11.2021.

4. The petitioner no.1 who is personally present in Court undertakes that the interest of the children shall be protected and shall in no manner be prejudiced by the abovementioned settlement arrived at between the petitioners and the respondent no.2.

5. The respondent no.2, who is personally present in Court and has been duly identified by the Investigating Officer (IO), reaffirms the settlement and states 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 she does not have any objection if the present FIR is quashed.

6. I have perused the contents of the FIR and also the settlement arrived at between the parties.

7. As the disputes between the parties arose out of a matrimonial relationship, and now the same have been amicably resolved, and the fact that a decree of divorce has already been granted by the learned Family Court pursuant to the settlement 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, as the chances of its success will be rather minuscule. In fact, it would rather create further acrimony between the parties and will be an



unnecessary burden on the State exchequer.

8. 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.

9. The petitioner no.1 shall remain bound by the aforesaid undertaking. He has also signed this order as a token of his acceptance and consent to the abovementioned undertaking.

10. Accordingly, binding the petitioner to the abovementioned undertaking, the petition is allowed. FIR No.299/2015 registered at Police Station: Lahori Gate, North District, Delhi, under Sections 498A/328 of IPC and all consequential proceedings emanating therefrom against the petitioners are quashed.

NAVIN CHAWLA, J

FEBRUARY 19, 2024
RN/AS

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