



\$~48

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 5617/2022
NAZIM ALI & ANR. Petitioners
Through: Mr.Tarun Khanna and
Mr.Ammar Mustafa, Advs.

versus

THE STATE (GNCT OF DELHI) AND ANR. Respondents
Through: Mr.Aman Usman, APP with SI
Komal
Ms.Piyushi Garg, Adv. for R-2
along with R-2 in person.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **30.01.2024**

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.0282/2018 registered at Police Station: Jagat Puri, East-District, Delhi under Sections 323/376/377 of the Indian Penal Code, 1860 (in short, 'IPC'), along with all other proceedings arising therefrom, on the basis of a settlement between the parties, that is, the petitioners and the respondent no.2.
2. The learned counsel for the petitioners submits that as the petitioner no.2 was a juvenile on the date of the alleged commission of offence, he had been sent to the Juvenile Justice Board for facing the trial. The Juvenile Justice Board, vide its judgment dated 03.11.2022, has acquitted the petitioner no.2.



3. The petitioner no.1 is the husband of the respondent no.2. They have entered into a settlement dated 09.01.2019 before the Delhi Mediation Centre, Karkardooma Courts, Delhi. In terms of the settlement, the petitioner no.1 and the respondent no.2 have divorced each other and Certificate of Divorce dated 10.01.2019 has been issued.

4. In terms of the said settlement, the learned counsel for the petitioners handed over a Demand Draft of Rs.1,75,000/- to the respondent no. 2, who is present in person in Court and has been duly identified by her counsel as also by the Investigating Officer (IO). The respondent no.2 affirms that she has settled all the *inter se* disputes with the petitioners 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.

5. I have perused the above FIR and the settlement entered into between the parties.

6. As the disputes between the parties arose out of a matrimonial relationship, and now the same have been amicably settled, a divorce certificate has also been executed pursuant to the settlement, 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.

7. Guided by the principles enunciated by the Supreme Court in its judgments in ***Kapil Gupta v. State (NCT of Delhi)***, 2022 SCC OnLine SC 1030, ***Gian Singh v. State of Punjab***, (2012) 10 SCC 303; ***Parbatbhai Aahir @ Parbatbhai Bhimsinbhai 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, 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.

8. Accordingly, the petition is allowed. FIR No. 0282/2018 registered at Police Station: Jagat Puri, East-District, Delhi under Sections 323/376/377 of the IPC and all consequential proceedings emanating therefrom against the petitioners are quashed.

9. *Dasti.*

NAVIN CHAWLA, J

JANUARY 30, 2024/ns/ss

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