



\$~39

\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **CRL.M.C. 5737/2022 & CRL.M.A. 22627/2022**  
**BHOM SINGH**

..... Petitioner

Through: Ms.Shrabani Chakrabarty &  
Mr.Rakesh Kumar Mishra,  
Advs.

versus

STATE & ANR.

..... Respondents

Through: Mr.Shoaib Haider, APP.  
SI Vijay Pal Singh, PS CWC  
Nanak Pura.  
Mr.Gulab Singh, Adv. for R-2.  
Respondent no.2 present in  
person.

**CORAM:**

**HON'BLE MR. JUSTICE NAVIN CHAWLA**

**ORDER**

%

**27.03.2024**

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.71/2015 registered at Police Station: Crime (Women) Cell, Delhi under Sections 498A/406/34 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 dated 11.11.2019 before the Counselling Cell,



Family Courts, Delhi.

3. Pursuant to the above-mentioned settlement, the learned Judge, Family Courts, Dwarka, New Delhi has granted a Decree of Divorce by mutual consent dated 23.10.2021 to the parties, that is, the petitioner and the respondent no.2.

4. The petitioner has also filed an affidavit stating that the settlement arrived at between them shall in no manner prejudice the rights of the minor children born from their wedlock. The petitioner is bound by the statement so made.

5. The respondent no.2, who is present in Court and has been duly identified by the Investigating Officer (IO), reaffirms the above-mentioned settlement and states that she has settled all the disputes with the petitioner out of her own free will and without any coercion. The respondent no.2 submits that she does not wish to pursue the proceedings emanating from the FIR any further and has no objection if the present FIR is quashed.

6. The learned counsel for the petitioner has handed over a Demand Draft of Rs. 2,00,000/- (Rupees Two Lakhs Only) to the respondent no.2 as per the terms of the Settlement.

7. I have perused the contents of the FIR and considered the submissions made.

8. As the disputes between the parties arose out of a matrimonial relationship, and now the same have been amicably settled, a Decree of Divorce has also been passed 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. In fact, it would rather create further acrimony between the parties and will be an unnecessary burden on the State exchequer.

9. 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.

10. Accordingly, the petition is allowed. FIR No.71/2015 registered at Police Station: Crime (Women) Cell, Delhi under Sections 498A/406/34 of IPC, and all consequential proceedings emanating therefrom against the petitioner are quashed.

11. However, as regards the rights of the children born from the wedlock, it is made clear that the rights of the children will not be restricted/compromised on the basis of the aforesaid Settlement and all their legal rights will remain protected and available to them in accordance with law.

**NAVIN CHAWLA, J**

**MARCH 27, 2024/rv/ss**

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