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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.M.C. 5764/2022**

PAWAN NIGAM

.....Petitioner

Through: Ms. Manisha Nigam (D/207/17),
Mr.Irfan Firdous, Mr. Asiph Shahid
Ali, Mr. Kulsoom Hasan, Ms.
Archana, Ms. Shivangi, Mr. Sufyan,
Ms. Swati, Mr. Tamim Khan, Mr.
Usama Khan, Ms. Zoha Aslam, Mr.
Lakshay, Mr. Anam, Mr. Ankur, Mr.
Ankit, Mr. Vikas, Mr. Devvrat, Mr.
Krishan, Mr. Parth, Mr. Sankalp and
Mr. Waseem, Advocates along with
Petitioners in person.

versus

THE STATE GOVT OF NCT OF DELHI) & ANR.....Respondents

Through: Mr. Shoaib Haider, APP for the State
with SI Kuldeep Singh
Respondent No.2/complainant in
person.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

27.08.2024

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1. The present petition under Section 482 Cr.P.C has been filed by the Petitioners for quashing FIR No.1266/2017 dated 18.09.2017, registered at Police Station Mangol Puri for offences punishable under Sections 323/324/341/506/307/34 IPC and Sections 27/54/59 of the Arms Act on the ground that the parties have entered into a settlement.
2. The present FIR is the outcome of a matrimonial dispute between the parties. The Respondent No.2 is the Complainant and the Petitioner is the husband of the Complainant.



3. The Parties have filed a Memorandum of Settlement (MoU) dated 22.02.2022. The relevant portion of the MoU dated 22.02.2022 reads as under:

“.....AND WHEREAS the matter has been amicably settled between the parties and the parties agreed to withdraw the cases against each other.

1. That matter HMA Nullity case shall be withdraw by the first party on the date fixed i.e. on 01.04.2021.

2. That the second party has filed the petition before the Hon'ble High Court for quashing the FIR No.1326/17.

3. That the first party shall quashed the FIR No. 1411/17.

4. That the second party shall withdraw the case / DV Petition, maintenance and its execution on their fixed date from the court of law against the first party without any further delay or demands.

5. The first party shall withdraw the complaint case on 31.07.2021 on date fixed.

6. The second party shall also quashed jointly FIR No. 1266/17 and FIR No.224/17 before the High Court against the first party without any delay and demand.

WHEREAS it is settled between the parties that both the parties shall resides together on 13.04.2021 as wife and husband in a separate accommodation like rental house and entire expense shall be born by the first party.....”

4. Paragraph No.6 of the aforesaid MoU indicates that the present FIR shall be quashed in view of the settlement arrived at between the parties.



5. Today, the Parties are present in Court. The Petitioner has been identified by his Counsel and the Investigating Officer. The Respondent No.2/complainant has been identified by the Investigating Officer. The Complainant/Respondent No.2 states that she has settled all her matrimonial disputes with the Petitioner out of her own free will, without pressure, coercion or undue influence and states that she does not want to pursue the present case any further and requests that the present FIR and the proceedings emanating therefrom may be quashed. The parties undertake that they will remain bound by the settlement and proceedings recorded before this Court.

6. Considering the fact that the dispute is a matrimonial dispute and the parties have amicably settled their disputes, more particularly, when the parties are residing together peacefully and there is no acrimony left and the present case is squarely covered under the law laid down by the Supreme Court in Gian Singh v. State of Punjab, (2012) 10 SCC 303, this Court is satisfied that no useful purpose would be served in continuing with the present proceedings. Resultantly, the FIR No.1266/2017 dated 18.09.2017, registered at Police Station Mangol Puri for offences punishable under Sections 323/324/341/506/307/34 IPC and Sections 27/54/59 of the Arms Act and the proceedings emanating therefrom are hereby quashed.

7. The petition stands disposed of in above terms, along with pending application(s), if any.

SUBRAMONIUM PRASAD, J

AUGUST 27, 2024

S. Zakir