



\$~50

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 6222/2022
MANOJ KUMAR AND ORS Petitioners
Through: Mr.B.S. Bansal, Adv. along
with petitioners in person.

versus

THE STATE NCT OF DELHI AND ANR. Respondents
Through: Mr.S.S.Bawa, APP with
ASI Om Prakash.
R-2 in person.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **27.02.2024**

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.0095/2017 registered at Police Station: Sarai Rohilla, North-District, Delhi, under Sections 406/498A/34 of the Indian Penal Code, 1860 (in short, 'IPC'), along with all other proceedings arising therefrom, on the basis of 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 agreement as has been recorded before the learned Family Court in its order dated 08.09.2020 in CIS No. DMC – 226/2020.
4. The learned Family Court has dissolved the marriage between



the parties, that is, the petitioner no.1 and the respondent no.2, by mutual consent vide Decree of Divorce dated 08.09.2020.

5. The respondent no.2, who is present in person in Court and has been duly identified by the Investigating Officer (IO), affirms 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 has no objection if the present FIR is quashed.

6. I have perused the contents of the FIR and also the affidavit filed by the respondent no.2.

7. 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.

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. Accordingly, the petition is allowed. FIR No.0095/2017 registered at Police Station: Sarai Rohilla, North-District, Delhi, under Sections 406/498A/34 of the IPC and all consequential proceedings emanating therefrom against the petitioners are quashed.

NAVIN CHAWLA, J

FEBRUARY 27, 2024

RN

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