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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 6412/2022**
S. THOMAS FRANKLIN & ORS.

..... Petitioners

Through: Mr.Girish Kumar & Mr.Hitesh
Yadav, Advs.
Petitioners present through VC.

versus

**THE STATE NCT OF DELHI THROUGH SHO PS
BINDAPUR & ANR.**

..... Respondents

Through: Mr.Shoaib Haider, APP.
SI Neelu, PS Bindapur.
Respondent no.2 present
through VC.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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20.05.2024

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. 256/2019 registered at Police Station: Bindapur, 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 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. He submits that the parties with the intervention of family members and relatives have amicably settled their disputes by reaching on an oral settlement.



4. Pursuant to the above-mentioned settlement, the learned Judge Family Court, Dwarka Court-01, New Delhi has granted a Decree of Divorce dated 15.11.2022 to the parties, that is, the petitioner and the respondent no.2.

5. The respondent no.2 is personally present in Court through VC and has been duly identified by the Investigating Officer (IO). She reaffirms the above-mentioned settlement and states that she has settled all the disputes with the petitioners 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. I have perused the contents of the FIR and considered the submissions made.

7. Keeping in view the fact that the disputes between the parties arose out of a matrimonial relationship and such disputes have been amicably settled, pursuant where to the petitioner no.1 and the respondent no.2 have also been granted a Decree of Divorce by the learned Family Court, in my view, 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 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.

9. Accordingly, the petition is allowed. FIR No. 256/2019 registered at Police Station: Bindapur, Delhi under Sections 498A/406/34 of the IPC, and all consequential proceedings emanating therefrom against the petitioners are quashed.

NAVIN CHAWLA, J

MAY 20, 2024/rv/am

Click here to check corrigendum, if any