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

+ **W.P.(CRL) 3306/2023**

SUBHASH SHARMA

.....Petitioner

Through: Mr. Subhash Sharma Mr. Vinay Prashar, Mr. Yashwant Gahlot, Mr. Ankit Sharma, Ms. Ankita, Ms. Annu Sharma and Mr. Aman, Advocates.

versus

STATE NCT OF DELHI & ANRS

.....Respondents

Through: Mr. Sanjay Lao Standing Counsel (Crl.) with Mr. Abhinav Kumar Arya and Mr. Priyam Agrawal, Advocates and with SI Mamta P.S. Sector 23, Dwarka.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

03.09.2024

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1. A Petition under Article 226 of Constitution of India read with Section 482 Cr.P.C has been filed on behalf of the petitioner for quashing of FIR No.269/2021 under Section 498-A/406/34 IPC registered at Police Station Sector-23, Dwarka.

2. Brief facts of the case are that on 18.06.2005 the marriage was solemnized between petitioner No. 1 and respondent No. 2 according to Hindu rites and ceremonies. It is stated that two children were born out of the said wedlock, who are now aged about 18 and 11 years respectively. Due to temperamental difference, the parties could not adjust with each other and were living separately since October, 2018 and could not reunite



despite best efforts by the family and relatives.

3. It is further submitted that on 15.07.2021, on the complaint of respondent No. 2, an FIR bearing No. 269/2021 under Sections 498A/406/34 of the Indian Penal Code, 1860 got registered at Police Station Sector 23, Dwarka.

4. It is stated that both the parties have amicably settled all the disputes and differences in an Out of Court Settlement dated 31.03.2022, and it was *inter alia* settled between the parties that the petitioner shall return the articles as mentioned in the MOU dated 31.03.2022 and that the respondent No.2 shall withdraw all cases against the petitioner and will help in quashing of FIR No.269/2021. It is agreed that after this Settlement, the parties will left with no other claim against each other in future and thus all their claims shall stand settled.

5. It is also stated that vide judgement dated 18.01.2021 the ex-parte decree of divorce has been passed in favour of the respondent No.2.

6. In view of the Compromise Deed dated 31.03.2022, the present petition has been filed.

7. The petitioner has appeared in the Court physically and the respondent No.2 has appeared through Video Conferencing. The parties have acknowledged the terms of the Settlement dated 31.03.2022 and submit that the Settlement has been arrived at between them without any pressure, force or coercion and that they shall abide by the terms of the Settlement in future as well. According to the Settlement, the children would remain in the custody of the mother and the Settlement is without prejudice to the rights of the children.

8. The respondent No.2 has confirmed that all her articles have been



returned and thus, no fruitful purpose will be served in continuing with the FIR.

9. The present petition has been signed by all the parties and is supported by their respective affidavits. The parties have reaffirmed the terms of the settlement arrived at *vide* Compromise Deed dated 31.03.2022 and they also submit that the said Compromise Deed has been arrived at between the parties without any pressure and coercion. They are identified by the Investigating officer.

10. In view of the above facts that the parties have amicably resolved their differences out of their own free will and without any coercion and also the fact that the present matter is a family matter, I am of the opinion that no useful purpose will be served in continuing with the proceedings, rather the same would create further acrimony between them. Hence, it would be in the interest of justice to quash the abovementioned FIR and the proceedings pursuant thereto.

11. Moreover, there is no legal impediment in quashing the FIR in question.

12. Accordingly, FIR bearing No. 269/2021 registered at Police Station Sector-23, Dwarka, for offences punishable under Sections 498A/406/34 of the Indian Penal Code, 1860 and all consequential proceedings emanating therefrom are quashed.

13. The petition stands disposed of.

NEENA BANSAL KRISHNA, J

SEPTEMBER 3, 2024/va