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

+ CRL.M.C. 6508/2022

RAVI KUMAR AND OTHERS Petitioners

Through: Mr.Abdul Rau, Adv. with
petitioners in person.

versus

THE STATE AND ANOTHER Respondents

Through: Mr.Aman Usman, APP with SI
Sunil.

Respondent no.2 in person.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

12.03.2024

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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.398/2016 registered at Police Station: Tilak Nagar, West District, Delhi, under Sections 498A/406/354/34 of the Indian Penal Code, 1860 (in short, 'IPC') along with all other proceedings arising therefrom, based on 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 vide Compromise Deed dated 09.12.2019 before the Delhi Mediation Centre, Tis Hazari Courts, Delhi.



4. Pursuant to the abovementioned settlement, the petitioner no.1 and respondent no.2 have obtained divorce by way of mutual consent from the learned Judge, Family Court, West District, Tis Hazari Courts, Delhi (hereinafter referred to as the 'Family Court') vide Decree of Divorce dated 25.09.2020.

5. The learned counsel for the petitioners submits that the custody of the child born from the wedlock of the petitioner no.1 and the respondent no.2, is with the respondent no.2.

6. The petitioner no.1, who is present in Court, undertakes that the settlement between the parties shall, in no manner, prejudice/compromise/restrict the rights and interests of the child born from the wedlock, in the estate of the petitioner no.1 in accordance with law.

7. The respondent no.2, who is present in Court and duly identified by the Investigating Officer, reaffirms the 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 have any objection if the present FIR is quashed. She submits that she has also received the entire amount as per the compromise deed.

8. I have perused the contents of the FIR and also the settlement arrived at between the parties.

9. As the disputes between the parties arose out of a matrimonial relationship, and the same have now been amicably resolved, and the fact that a Decree of Divorce has already been granted 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 as it would rather create further acrimony between the parties and will be an unnecessary burden on the State exchequer.

10. 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.

11. The aforesaid undertaking as regards the rights of the child born from the wedlock given by the petitioner no.1 is taken on record, and it is made clear that the rights of the child will not be restricted/compromised, on the basis of the aforesaid Settlement and all her legal rights will remain protected and available to her in accordance with law.

12. The petitioner no.1 shall remain bound by the aforesaid undertaking. He has also signed this Order as a token of his acceptance and consent to the abovementioned undertaking.

13. Accordingly, binding the petitioner no.1 to the abovementioned undertaking, the petition is allowed. FIR No.398/2016 registered at Police Station: Tilak Nagar, West District, Delhi, under Sections 498A/406/354/34 of the IPC and all consequential proceedings



emanating therefrom against the petitioners are quashed.

NAVIN CHAWLA, J

MARCH 12, 2024/Arya/AS

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