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

+ **CRL.M.C. 6934/2022**

MINNAKURI GURU PRASAD

..... Petitioner

Through: Mr.M. Subramaniam, Adv.
along with petitioner present in
person.

versus

THE STATE & ANR.

..... Respondents

Through: Mr.Shoaib Haider, APP.
Insp. Yashwant & ASI
Mahadeva, PS Bharat Nagar.
Respondent no.2 present in
person.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **02.04.2024**

CRL.M.A. 26846/2022 (Exemption)

1. Allowed, subject to all just exceptions.

CRL.M.C. 6934/2022

2. 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. 92/2014 registered at Police Station: Kurichedu, Prakasham under Section 498A of the Indian Penal Code, 1860 (in short, 'IPC'), along with all other proceedings arising therefrom, on the basis of settlement.

3. The learned counsel for the petitioner submits that the FIR was originally lodged at Police Station: Kurichedu, Andhra Pradesh, and subsequently, by an order passed by the Supreme Court, the matter



was transferred to Delhi upon an application filed by respondent no.2. It is by mistake, that later in the Court proceedings, the FIR was referred as registered at the Police Station Ashok Vihar or Bharat Nagar, which both are incorrect, as the FIR was lodged at Police Station: Kurichedu. Once the said mistake was pointed out to the learned Trial Court, vide an order dated 21.04.2023, the learned Trial Court also directed that the judicial record be modified to the extent that the name of the Police Station mentioned in the orders shall be corrected as Police Station: Kurichedu.

4. The learned counsel for the petitioner submits that the subject FIR was an offshoot of the matrimonial discord between the parties, that is, the petitioner and the respondent no.2. He submits that the parties have amicably settled their *inter se* disputes and have entered into a Mutual Agreement dated 19.11.2022.

5. The respondent no.2, who is present in Court and has been duly identified by the Investigating Officer (IO), reaffirms the abovementioned settlement and states that she has settled all the disputes with the petitioner 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 also the settlement between the parties.

7. Keeping in view the fact that the dispute arose between the parties out of a matrimonial discord and the marriage is declared nullity and that the respondent no.2 does not wish to pursue her



complaint any further, as also the Settlement arrived at between the parties, I find that no useful purpose shall be served in continuing with the proceedings of the present FIR as the chances of its success would be rather minuscule and it would 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. 92/2014 registered at Police Station: Kurichedu, Prakasham under Section 498A of IPC, and all consequential proceedings emanating therefrom against the petitioner are quashed.

10. However, as regards the rights of the children born from the wedlock, it is made clear that the rights of the children will not be restricted/compromised on the basis of the aforesaid Settlement and all their legal rights will remain protected and available to them in accordance with law.

NAVIN CHAWLA, J

APRIL 2, 2024/rv/RP

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