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

+ CRL.M.C. 7057/2022

MOHD AAMIL & ORS.

..... Petitioners

Through: Ms.Sarita Roy Bose, Adv.

versus

STATE OF NCT OF DELHI & ANR.

..... Respondents

Through: Mr.Aman Usman, APP with SI
Mayank Istwal
R-2 in person.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **25.01.2024**

CRL.M.A. 27282/2022 (Delay)

1. This application has been filed seeking condonation of delay of 20 days in refiling the application bearing no. CRL.M.A. 27281/2022.
2. As the application bearing no. CRL.M.A. 27281/2022 stands disposed of vide order dated 07.07.2023, the present application is rendered infructuous.
3. The application is disposed of being rendered infructuous.

CRL.M.A. 28272/2023 (Urgent Hearing)

4. This application has been filed seeking an urgent hearing of the petition.
5. As the petition is listed today itself for hearing, the application is rendered infructuous.
6. The application is disposed of being rendered infructuous



CRL.M.C. 7057/2022

7. 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. 350/2010 registered at Police Station: Kalyanpuri, New 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 a settlement.

8. The learned counsel for the petitioners submits that the subject FIR was an offshoot of the matrimonial discord. He submits that the parties have amicably resolved all their *inter se* disputes and entered into a settlement dated 07.12.2021 before the Delhi Mediation Centre, Karkardooma Courts, Delhi. They have filed their respective affidavits affirming the settlement between them.

9. The petitioner no.1 has also filed an affidavit stating that the abovementioned settlement between him and the respondent no. 2 shall not, in any manner, prejudice the rights of the two children born from the wedlock.

10. The respondent no.2 is present in person and has been duly identified by the Investigating Officer (IO). The respondent no.2 reaffirms 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 subject FIR is quashed.

11. In view of the above and considering the abovementioned Settlement between the parties, I find that no useful purpose shall be served in continuing with the proceedings of the present FIR as it would rather create further acrimony between the parties and would be



an unnecessary burden on the State exchequer. 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 Bhimsinh Karmur & Ors. v. State of Gujarat & Ors.* and (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.

12. Accordingly, the petition is allowed. Consequently, the FIR No. 350/2010 registered at Police Station: Kalyanpuri, New Delhi under Sections 498A/406/34 of IPC and all consequential proceedings emanating therefrom against the petitioners are quashed.

13. However, as regards the rights of the children born out of 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.

14. The petition is disposed of in the above terms.

NAVIN CHAWLA, J

JANUARY 25, 2024/ns/AS

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