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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 7064/2022 & CRL.M.A. 27300/2022**
MAHENDER SINGH SHAH AND ORS.

..... Petitioners

Through: Ms.Gayatri Nandwani,
Ms.Mudita Sharda, Mr.Adrian
Abbi, Advs. along with
petitioners present in person.

versus

STATE OF NCT OF DELHI AND ANR.

..... Respondents

Through: Mr. Shoaib Haider, APP.
SI Mahesh, PS Palam Village.
Respondent no.2 present
through VC.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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08.05.2024

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. 84/2017 registered at Police Station: Palam Village, South West, 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.
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 have amicably settled their *inter se* disputes and have entered into a settlement vide Settlement dated



18.10.2019 before the Counselling Cell, Family Courts, Dwarka Court, New Delhi.

4. Pursuant to the above-mentioned settlement, the parties have been granted a Decree of Divorce by way of mutual consent on 06.01.2021 from the learned Principal Judge, Family Courts, Dwarka, New Delhi.

5. The respondent no.2, who is present in Court through VC and has been duly identified by the Investigating Officer (IO), 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, the Settlement and considered the submissions made.

7. Keeping in view the fact that the disputes between the parties arose out of a matrimonial relationship, and now the same have been amicably settled, 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. 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. 84/2017 registered at Police Station: Palam Village, South West, Delhi under Sections 498A/406/34 of the IPC and all consequential proceedings emanating therefrom against the petitioners are quashed.

NAVIN CHAWLA, J

MAY 8, 2024/rv/RP

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