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

+ **CRL.M.C. 7152/2022**

KAPIL PURI & ANR.

..... Petitioners

Through: Mr.Shiv Kumar, Mr.Aman Jain,
Mr.Sauraj Ghose,
Mr.R.P.Sharma, Mr.Mohit
Kumar, Mr.Kulnidhi, Advs.

versus

STATE & ANR.

..... Respondents

Through: Mr.Shoaib Haider, APP with SI
Vijay Pal Singh.
Mr.Deepak Vaswani, Adv. for
R-2
R-2 in person (through VC).

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **03.05.2024**

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.0094/2017 registered at Police Station: Crime (Women) Cell, Nanak Pura, 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 petitioner submits that the marriage between the parties, that is, petitioner no.1 and the respondent no.2 was solemnized on 16.04.2000 according to Hindu rites and customs and a male child was also born from the wedlock of the parties.
3. 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. He submits that the petitioner no.1 and the respondent no.2, have amicably settled all their *inter se* disputes, terms whereof have been recorded before the learned Family Court vide its order dated 18.04.2022 in HMA No. 471/2022 titled as ***Kapil Puri v. Yogita.***

4. Pursuant to the above settlement, the parties have also obtained divorce by mutual consent vide Decree of Divorce dated 18.04.2022, passed by Principal Judge, Family Courts, West-District, Tis Hazari Courts, Delhi.

5. The respondent no.2 is present in court through virtual mode and has been duly identified by the Investigating Officer (IO). She submits that all the amounts in terms of the settlement have been duly received by her.

6. The respondent no.2 affirms 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 present FIR is quashed.

7. I have perused the contents of the FIR, and also the settlement between the parties.

8. As the disputes between the parties arose out of a matrimonial relationship, and now the same have been amicably settled, a Decree of Divorce has also been passed 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. In fact, it would rather create further



acrimony between the parties and will be an unnecessary burden on the State exchequer.

9. 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.

10. Accordingly, the petition is allowed. FIR No.0094/2017 registered at Police Station: Crime (Women) Cell, Nanak Pura, Delhi under Sections 498A/406/34 of the IPC and all consequential proceedings emanating therefrom against the petitioners are quashed.

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

NAVIN CHAWLA, J

MAY 3, 2024

RN/ss

Click here to check corrigendum, if any