



\$~33

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

+ CRL.M.C. 90/2024 & CRL.M.A. 348/2024 (Exemption)

SURENDER KUMAR & ORS.

..... Petitioners

Through: Mr. Narender Malawaliya, Advocate
alongwith petitioners in person.

versus

THE STATE OF NCT OF DELHI AND ANR. Respondents

Through: Mr. Sunil Kumar Gautam, APP for
the State.

SI Sohan Lal, PS Fatehpur Beri.

Mr. Dinesh Kumar, Advocate for R-2
(through VC).

R-2 through VC.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

05.01.2024

%

1. The present petition under Section 482 of the Cr.P.C. seeks quashing of FIR No. 148/2021, under Section 498A/406/34 of the IPC, registered at PS Fatehpur Beri, Delhi and all other consequential proceedings emanating therefrom, including the chargesheet filed and pending before the Court of Ms. Deeksha Madan, learned Metropolitan Magistrate, Saket Court, New Delhi.

2. The marriage between the petitioner no.1/husband and the respondent no.2/wife was solemnized on 25.11.2013 as per Hindu Rites and Customs and two female children were born out of the said wedlock.

3. Due to matrimonial differences between petitioner no. 1 and respondent no. 2, the parties resided separately since 2018. Subsequently, respondent no.2/complainant registered an FIR against petitioner no. 1



(husband), petitioner no. 2 (father-in-law) and petitioner no. 3 (mother-in-law).

4. On 17.10.2022, parties arrived at a settlement and as per the said settlement deed, petitioner no.1 has agreed to pay an amount of Rs. 3,00,000/- to the respondent no.2/wife towards full and final settlement of all her claims including *istridhan*, permanent alimony and maintenance - present, past and future.

5. In terms of the said settlement, the marriage between the parties stands dissolved by a decree of divorce dated 16.05.2023, passed by Sh. Pritam Singh, Judge, Family Court-01, South, Saket Courts, Delhi (Annexure D). Further, as per the settlement deed, the total amount of Rs. 3,00,000/- has already been paid to respondent no.2. As per the said settlement, custody of the minor child (Jiya) will be with the petitioner no. 1 and custody of the minor child (Lakshita) will be with respondent no. 2. It is further agreed that petitioner no. 1 and respondent no. 2 will make necessary arrangements for meeting the daughters with each other after the interval of two months at Children Home, Saket Courts, New Delhi or any other place which is mutually agreed by both the parties.

6. Petitioners are present before the Court and complainant/respondent no. 2 is present through video conferencing and have been duly identified by their respective counsel, as well as the Investigating Officer, SI Sohan Lal, PS Fatehpur Beri.

7. The Complainant/respondent No.2 states that the matter has been settled with the petitioners and she has no objection if the FIR is quashed against the petitioners. She further states that all the terms of the settlement have been complied with.



8. In view of the settlement between the parties, learned APP for the State also has no objection if the present FIR is quashed.

9. In *Gian Singh v. State of Punjab* (2012) 10 SCC 303, Hon'ble Supreme Court has recognized the need of amicable resolution of disputes by observing as under:-

“61. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceedings or continuation of criminal proceedings would tantamount to abuse of process of law despite settlement and compromise between the victim and the wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in the affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceedings.”

10. In view of the aforesaid circumstances, and the fact that the parties have put a quietus to the dispute, no useful purpose will be served in continuing with the present FIR No. 148/2021, under Section 498A/406/34 of the IPC, registered at PS Fatehpur Beri, Delhi and all other consequential proceedings emanating therefrom, including the chargesheet filed and pending before the Court of Ms. Deeksha Madan, learned Metropolitan Magistrate, Saket Court, New Delhi.

11. In the interest of justice, the petition is allowed, and the FIR No. 148/2021, under Section 498A/406/34 of the IPC, registered at PS Fatehpur Beri, Delhi and all other consequential proceedings emanating therefrom, including the chargesheet filed and pending before the Court of Ms. Deeksha Madan, learned Metropolitan Magistrate, Saket Court, New Delhi, is hereby quashed.



12. It is however directed that this order shall not come in the way of the minor children in claiming their rights of inheritance, maintenance, educational & marriage expenses, etc. against any of the parties.
13. Petition is allowed and disposed of accordingly.
14. Pending application(s), if any, also stand disposed of.

AMIT SHARMA, J

JANUARY 05, 2024/sn