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

+ **W.P.(CRL) 76/2024 & CRL.M.A. 626/2024 (exemption)**

RAVI KUMAR & ORS.

..... Petitioners

Through: Mr. Hirandra Kumar, Advocate
alongwith petitioners in person.

versus

THE STATE GNCT OF DELHI & ANR.

..... Respondents

Through: Mr. Sanjay Lao, Standing Counsel
(criminal) for the State with
Mr. Shivesh Kaushik, Advocate.
SI Radha, PS Dwarka (North).
R-2 in person.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

08.01.2024

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1. The present petition under Article 226 of the Constitution of India read with Section 482 of the CrPC seeks quashing of FIR No. 317/2022, under Sections 498A/406/34 of the IPC, registered at PS Dwarka North, Delhi.
2. The marriage between the petitioner no.1/husband and the respondent no.2/wife was solemnized on 18.04.2017 as per Hindu Rites and Customs and one male child was born out of the said wedlock.
3. Due to matrimonial differences between petitioner no. 1 and respondent no. 2, the parties resided separately from 21.09.2021. Subsequently, respondent no.2/complainant registered an FIR against the petitioners.
4. On 12.04.2023, parties arrived at a settlement before the Counselling



Cell, Family Court, South-West District, Dwarka Courts, Delhi, and as per the said settlement deed, petitioner no.1 has agreed to pay an amount of Rs. 9,00,000/- 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. The copy of the aforesaid settlement deed dated 12.04.2023 is on record (Annexure P-2).

5. In terms of the said settlement, the marriage between the parties stands dissolved by a decree of divorce dated 18.10.2023, passed by Sh. Vipin Kumar Rai, Judge, Family Court, South West, Dwarka Courts, New Delhi (Annexure P-3). Further, as per the settlement deed, an amount of Rs. 6,00,000/- has already been paid to respondent no.2 and the remaining amount of Rs. 3,00,000/- has been paid to her in Court today, by means of a demand draft. As per the said settlement, custody of the minor child will be with the respondent no. 2 and the petitioner no. 1 will have no visitation rights.

6. Petitioners and complainant/respondent no. 2 are present before the Court and have been duly identified by their respective counsel, as well as the Investigating Officer, SI Radha, PS Dwarka (North).

7. A Demand Draft bearing no. 626761 dated 14.12.2023 for Rs. 3,00,000/- drawn on State Bank of India, Meera Bagh, Delhi has been handed over to the Complainant/Respondent No.2, who acknowledges the receipt of the same.

8. 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.



9. Learned Standing Counsel for the State submits that the investigation in the present case is ongoing and the chargesheet has not been filed and in view of the settlement between the parties, he has no objection if the present FIR is quashed.

10. 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.”

11. 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. 317/2022, under Sections 498A/406/34 of the IPC, registered at PS Dwarka North, Delhi.

12. In the interest of justice, the petition is allowed, and the FIR No. 317/2022, under Sections 498A/406/34 of the IPC, registered at PS Dwarka North, Delhi, is hereby quashed.

13. It is however directed that this order shall not come in the way of the minor child in claiming his rights of inheritance, maintenance, educational & marriage expenses, etc. against any of the parties.

14. Petition is allowed and disposed of accordingly.



15. Pending application(s), if any, also stand disposed of.

AMIT SHARMA, J

JANUARY 08, 2024/sn