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

+ **CRL.M.C. 297/2024**

SHASHI BHUSHAN

..... Petitioner

Through: Ms. Pooja Sarwal, Advocate through
VC.
Petitioner through VC.

versus

STATE OF NCT OF DELHI AND ANR.

..... Respondents

Through: Mr. Sunil Kumar Gautam, APP for
the State.
ASI Usha, PS M.S.Park.
R-2 through VC.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

08.02.2024

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1. The present petition under Section 482 of the Cr.P.C. seeks quashing of FIR No. 95/2019, under Section 498A/406/34 of the IPC, registered at PS Mansarovar Park, Delhi and all other consequential proceedings emanating therefrom, including the chargesheet filed and pending before the Court of Ms. Nidhibala, learned Metropolitan Magistrate, Karkardooma Court, New Delhi.
2. The marriage between the petitioner no.1/husband and the respondent no.2/wife was solemnized on 21.03.2009 as per Hindu Rites and Customs and one male child and one female child were born out of the said wedlock.
3. Due to matrimonial differences between petitioner no. 1 and respondent no. 2, the parties resided separately. Subsequently, respondent no.2/complainant registered an FIR against petitioner (husband).



4. It is submitted that during the pendency of the proceedings, the parties have entered into an oral settlement, pursuant to which respondent no. 2 has no objection to quashing of the present FIR. The terms of the said oral settlement, as stated in the present petition, are as under:

“(i) It has been agreed between both the parties that they will get their marriage dissolved by competent Court of law by decree of divorce by mutual Consent and both the petitioner will jointly move a petition for divorce by mutual consent U/S 13(B-1) & 13(B-2) of Hindu Marriage Act.

(ii) That it was further agreed between both the parties that both the children will remain in the custody of respondent no. 2/wife and petitioner/husband will not claim the custody of the minor children in future in any manner.”

5. In terms of the said settlement, the marriage between the parties stands dissolved by a decree of divorce dated 10.02.2020, passed by Ms. Reena Singh Nag, Principal Judge, Family Court, Shahdara, Karkardooma Courts, Delhi (Annexure C). As per the said settlement, custody of the minor child will be with the respondent no. 2 and the petitioner will have no visitation rights.

6. Petitioner and complainant/respondent no. 2 are present before the Court through video conferencing and have been duly identified by the Investigating Officer, ASI Usha, PS Mansarovar Park.

7. The complainant/respondent no.2 confirms the terms of the oral settlement, as reproduced hereinabove. She further states that the matter has been settled with the petitioner and she has no objection if the FIR is quashed against the petitioner. 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. 95/2019, under Section 498A/406/34 of the IPC, registered at PS Mansarovar Park, Delhi and all other consequential proceedings emanating therefrom, including the chargesheet filed and pending before the Court of Ms. Nidhibala, learned Metropolitan Magistrate, Karkardooma Court, New Delhi.

11. In the interest of justice, the petition is allowed, and the FIR No. 95/2019, under Section 498A/406/34 of the IPC, registered at PS Mansarovar Park, Delhi and all other consequential proceedings emanating therefrom, including the chargesheet filed and pending before the Court of Ms. Nidhibala, learned Metropolitan Magistrate, Karkardooma 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

FEBRUARY 08, 2024/sn