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

+ CRL.M.C. 446/2024 & CRL.M.A. 1749/2024-Delay (40 Days),
CRL.M.A. 1750/2024 (exemption)

PRAVEEN ALIAS PRAVEEN KUMAR AND ORS..... Petitioners

Through: Petitioner

versus

STATE GOVT. OF NCT OF DELHI AND ANR. Respondents

Through: Mr. Amit Ahlawat, APP for the State.
Mr. Hemant Mehla, APP for the
State.

SI Jasbir Malik, PS Kapashera.

SI Narender, PS Ranhola.

R-2 in person.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

14.02.2024

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1. The present petition filed under Section 482 of the Cr.P.C. seeks quashing of the FIR No. 885/2014, under Sections 306/34 of the IPC, registered at P.S. Ranhola and all other consequential proceedings emanating therefrom, including the chargesheet pending before the Court of Ms. Aneez Bishnoi, learned Metropolitan Magistrate, Mahila Court-05, West, Tis Hazari Courts, Delhi.

2. It is pointed out that initially the FIR was registered under Section 306/34 of the IPC and subsequently a chargesheet was filed before the Court of competent jurisdiction under Sections 498A/306/34 of the IPC against the present petitioners. It is further pointed out that the FIR was registered at the complaint of respondent no. 2. Subsequently, learned ASJ *vide* order dated 05.10.2021 on the point of consideration on charge recorded that the



ingredients of Section 306 of the IPC are not attracted in the present case and therefore, it was directed that the present prosecution will remain *qua* Section 498A/34 of the IPC and to be proceeded before the concerned learned Metropolitan Magistrate.

3. Learned counsel appearing on behalf of the petitioners submits that during the pendency of the aforesaid proceedings parties have entered into settlement before the Delhi Mediation Centre, Tis Hazari Courts, Delhi vide settlement dated 10.11.2022 (Annexure-F (colly)). It is further submitted that 4 children were born out of the wedlock between petitioner no. 1 and Ms. Pooja (deceased) and the custody of the children will remain with petitioner no. 1 and visitation rights in terms of the aforesaid agreement have been provided to respondent no. 2 (maternal grandmother).

4. Petitioners no. 1 and 3 and complainant/respondent no. 2 are present before the Court have been duly identified by the Investigating Officer, SI Narender, PS Ranhola. On oral request of learned counsel appearing on behalf of the petitioners, petitioner no. 2 is exempted from personal appearance.

5. 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. She further states that all the terms of the agreement have been complied with.

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

7. In *Gian Singh v. State of Punjab*, (2012) 10 SCC 303, the 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 proceeding.”

8. 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. 885/2014, under Sections 306/34 of the IPC, registered at P.S. Ranhola and all other consequential proceedings emanating therefrom, including the chargesheet pending before the Court of Ms. Aneez Bishnoi, learned Metropolitan Magistrate, Mahila Court-05, West, Tis Hazari Courts, Delhi.

9. In the interest of justice, the petition is allowed, and the FIR No. 885/2014, under Sections 306/34 of the IPC, registered at P.S. Ranhola and all other consequential proceedings emanating therefrom, including the chargesheet pending before the Court of Ms. Aneez Bishnoi, learned Metropolitan Magistrate, Mahila Court-05, West, Tis Hazari Courts, Delhi, is hereby quashed.

10. Petition is allowed and disposed of accordingly.

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

AMIT SHARMA, J

FEBRUARY 14, 2024/sn