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

+ **W.P.(CRL) 360/2024 & CRL.M.A. 3341/2024 (Exemption)**

RAKESH TIWARI & ORS.

..... Petitioners

Through: Mr. Sunil Kumar, Adv. with
petitioner no.1 in person & petitioner
no.2 to 5 (through VC).

versus

THE STATE GOVT OF NCT OF DELHI & ANR.

..... Respondents

Through: Mr. Anand V. Khatri, ASC (Crl.) for
State with SI Sanjana, P.S. Sarojini
Nagar.
Respondent no.2 in person.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER
02.02.2024

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1. The present writ petition under Article 226 of the Constitution of India read with Section 482 of the Cr.P.C. seeks quashing of FIR No. 113/2022, under Sections 498A/406/34 of the IPC, registered at P.S. Sarojini Nagar.
2. The marriage between petitioner no.1/husband and respondent no.2/wife was solemnized on 28.11.2017 as per Hindu rites and customs and ceremonies and a son 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 04.07.2021. Subsequently, respondent no.2/complainant lodged a complaint against the petitioners.



4. Learned counsel for the petitioners submits that in pursuance of the Settlement Agreement dated 25.11.2021, parties arrived at settlement before the learned Family Court, New Delhi District, Patiala House, New Delhi. It is further stated that the parties have been living together, at their matrimonial home, since 27.11.2023, alongwith their minor son.

5. Petitioner no.1 and complainant/respondent no. 2 are present before the Court and petitioners no.2 to 5 are present through video conferencing have been duly identified by the Investigating Officer SI Sanjana, P.S. Sarojini Nagar.

6. The Complainant/respondent No.2 states that the matter has been settled and she is living with petitioner no. 1 since 27.11.2023 at their matrimonial home and she has no objection if the FIR is quashed against the petitioners.

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

8. 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.”

9. 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. 113/2022, under Sections 498A/406/34 of the IPC, registered at P.S. Sarojini Nagar.

10. In the interest of justice, the petition is allowed, and the FIR No. 113/2022, under Sections 498A/406/34 of the IPC, registered at P.S. Sarojini Nagar, is hereby quashed.

11. Petition is allowed and disposed of accordingly.

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

AMIT SHARMA, J

FEBRUARY 2, 2024/nk