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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 624/2024**

DEEPAK & ORS.

..... Petitioners

Through: Mr.Shushil Raaja and
Mr.Ashutosh Kumar, Advs.

versus

**STATE (NCT OF DELHI) THROUGH SHO, P.S SAGARPUR
& ANR.**

..... Respondents

Through: Mr.Sanjay Lao, SC with SI
M.L. Meena, PS Sagarpur.
Mr.Sunil Kumar, Adv. for R-2
along with R-2 in person.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **22.02.2024**

CRL.M.A. 5770/2024 (Exemption)

1. Allowed, subject to all just exceptions.

CRL.M.A. 5769/2024

2. For the reasons stated in the application, the delay in re-filing of the present petition is condoned.

3. The application stands disposed of.

W.P.(CRL) 624/2024

4. This petition has been filed under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 (in short, 'Cr.P.C.') seeking quashing of FIR No. 0828/2020 registered at Police Station: Sagarpur, Delhi under Sections 498A/406/34 of the Indian Penal Code, 1860 (in short, 'IPC'), along with all other proceedings arising therefrom, on the basis of



settlement.

5. Issue notice.

6. Notice is accepted by Mr.Sanjay Lao, learned Standing Counsel for the respondent no.1 and Mr.Sunil Kumar, learned counsel for the respondent no.2.

7. The learned counsel for the petitioners submits that the parties, that are, the petitioner no.1 and the respondent no.2 have amicably settled their *inter se* disputes before Delhi Mediation Centre, Patiala House Courts, New Delhi vide Mediation Settlement dated 13.12.2022. He submits that the decree of divorce dated 04.11.2023 has been passed by the learned Judge, Family Courts, Patiala House Courts, New Delhi.

8. The petitioner no.1, who is present in person in Court, undertakes that the settlement that has been arrived at between the petitioners and the respondent no.2 shall, in no manner, prejudice the rights of the child born out of the wedlock between the petitioner no.1 and the respondent no.2.

9. The learned counsel for the petitioners has also handed over a cheque bearing no. 880995 of Rs.1.5 lacs to the respondent no.2. The petitioner no.1 undertakes that the same shall be duly honoured on presentation.

10. The respondent no.2, who is present in person in Court and has been duly identified by the Investigating Officer (IO), affirms the settlement and states that she has settled all the disputes with the petitioners out of her own free will and without any coercion. The respondent no.2 submits that she has no objection if the present FIR is



quashed.

11. I have perused the contents of the FIR and also the settlement between the parties.

12. Keeping in view the fact that the respondent no.2 does not wish to pursue her complaint any further, as also the Settlement arrived at between the parties, I find that no useful purpose shall be served in continuing with the proceedings of the present FIR as it would rather create further acrimony between the parties and will be an unnecessary burden on the State exchequer.

13. Guided by the principles enunciated by the Supreme Court in its judgments in ***Gian Singh v. State of Punjab***, (2012) 10 SCC 303; ***Parbatbhai Aahir @ Parbatbhai Bhimsinbhai Karmur & Ors. v. State of Gujarat & Ors.*** (2017) 9 SCC 641 and ***State of Haryana & Ors. v. Bhajan Lal & Ors.*** 1992 Supp (1) SCC 335, this Court deems it appropriate, in the interest of justice, to exercise its inherent powers under Section 482 of the Cr.P.C. to quash the FIR and all the proceedings emanating therefrom.

14. Accordingly, the petition is allowed. FIR No. 0828/2020 registered at Police Station: Sagarpur, Delhi under Sections 498A/406/34 of IPC and all consequential proceedings emanating therefrom against the petitioners are quashed, subject to the realisation of the abovementioned cheque.

15. However, as regards the rights of the child born out of the wedlock, it is made clear that the rights of the child will not be restricted/compromised on the basis of the aforesaid Settlement and all her legal rights will remain protected and available to her in



accordance with law.

NAVIN CHAWLA, J

FEBRUARY 22, 2024/ns

Click here to check corrigendum, if any