



2025:DHC:3409



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of decision: 07.05.2025

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CRL.M.C. 617/2025

SARTHAK JAIN & ORS.

.....Petitioners

Through: Mr. Sahil Malik and Mr. Aditya
Jain, Advs.
Petitioners in person.

versus

STATE OF NCT OF DELHI & ANR.

... Respondents

Through: Mr. Hitesh Vali, APP for the
State with SI Monika Poonia,
P.S. Ashok Vihar.
Mr. Anuj Jain, Advocate with
R-2. (through vc)

CORAM:**HON'BLE MR. JUSTICE RAVINDER DUDEJA****JUDGMENT (ORAL)****RAVINDER DUDEJA, J.**

1. This is a petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking quashing of FIR No. 0108/2023, dated 23.01.2023, registered at P.S Ashok Vihar under sections 498A/406/34 IPC and all proceedings emanating therefrom on the basis of settlement between the parties.

2. The learned counsel for the petitioners submits that the marriage between Petitioner No.1 and Respondent No.2 was solemnized on



12.06.2015 as per Hindu rites and ceremonies at Delhi. No child was born out of the said wedlock. It is submitted that due to temperamental differences, the couple started living separately since 27.05.2019. Thereafter, the Respondent No.2 filed complaint under section 12 of the DV Act bearing CC No. 1334/2022. She also lodged the aforesaid FIR No. 0108/2023 against Petitioner No. 1 and the FIR No. 1312/2022 under sections 506/509 IPC at PS Rani Bagh against the family members of Petitioner No. 1.

3. During the proceedings, the parties were referred to mediation by the Family Court, Tis Hazari Courts where they amicably resolved their disputes and executed a Compromise/Settlement Deed dated 30.08.2024. In pursuance of the Settlement, the parties jointly filed a fresh petition for divorce by mutual consent under Section 13B(1) of the Hindu Marriage Act, 1955. The learned counsel for the petitioners submits that the learned Family Court, Tis Hazari Courts, Delhi allowed the mutual divorce petition on 04.01.2025, thereby dissolving the marriage between the Petitioner No.1 and Respondent No.2. It is submitted that all the previous complaints and litigations initiated by the parties has been withdrawn and all conditions of the Settlement Deed have been fulfilled including the payment of the total settlement amount of Rs. 1,00,00,000/- (Rupees one crore) as per the schedule mentioned in the Settlement Deed. The copy of Compromise/Settlement Deed dated 30.08.2024 has been placed on record as Annexure A-3.



4. The matter was placed before the Joint Registrar, who has recorded the statements of both the parties and passed the following orders:-

“16.04.2025

1. The present non contentious petition has been filed by the petitioners under Section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023 for quashing of the FIR NO. 108/2023 under Sections 498A/ 406/ 34 of the Indian Penal Code registered at P.S. Ashok Vihar on the basis of settlement arrived at between the parties.
2. As per the submissions, the matter between the petitioners and R-2 has been amicably settled.
3. Vide separate statement recorded in this behalf, petitioners stated that dispute between them and R-2 has been amicably settled as per the settlement deed dated 30.08.2024. The settlement has been arrived at between the parties herein without any force, coercion, undue influence and pressure. They have signed the settlement deed with their wish and will. Vide separate statement recorded in this behalf, R-2 stated that dispute between R-2 and petitioners has been amicably settled as per the settlement deed dated 30.08.2024. The settlement has been arrived at between the parties herein without any force, coercion, undue influence and pressure. The settlement deed has been signed with wish and will.
4. Investigating Officer is present in Court and has duly verified the identity of both the parties. Separate statement of Investigating Officer has also been recorded.
5. The parties along with their counsels have confirmed that the settlement deed has been duly entered into between them.
6. Learned counsel for State/APP enters appearance and accepts notice. He submits that in view of the statement recorded, let the matter be placed before the Hon'ble Court.
7. The compromise/settlement deed is in writing and has been duly signed by both the parties. I have heard both the parties and from the direct dialogue with both the parties, it is observed that the



consent of both the parties is found to be genuine and has not been obtained under undue influence or pressure.

8. In view of the above, matter be placed before the Hon'ble Court on 07.05.2025.

5. Petitioners physically present before the Court while Respondent no.2 has entered their appearance through VC. They have been identified by their respective counsels as well as by the Investigating Officer SI Monika from PS Ashok Vihar.

6. Respondent No.2 confirms that the matter has been settled with the petitioners without any force, fear, coercion and she has received the payment of the entire settlement amount of Rs. 1,00,00,000/- (Rupees one crore) by the Petitioner No.1 as per the schedule mentioned in the Compromise/Settlement Deed dated 30.08.2024. She further submits that she has no objection if the FIR No. 0108/2023 alongwith charge sheet is quashed against the petitioners.

7. In view of the settlement between the parties, learned Additional PP appearing for the State, also has no objection if the present FIR No. 0108/2023 is quashed.

8. In ***Gian Singh vs 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



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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 parties have put a quietus to the dispute, no useful purpose will be served in continuing with the present FIR No. 0108/2023, dated 23.01.2023, registered at P.S Ashok Vihar under sections 498A/406/34 IPC and all the other consequential proceeding emanating therefrom.

10. In the interest of justice, the petition is allowed, and the FIR No. 0108/2023, dated 23.01.2023, registered at P.S Ashok Vihar under sections 498A/406/34 IPC and all the other consequential proceeding emanating therefrom is hereby quashed.

11. Petition is allowed and disposed of accordingly.

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

RAVINDER DUDEJA, J

MAY 07, 2025/AK