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

+ **CRL.M.C. 663/2025 & CRL.M.A. 3154/2025**

AMIT AND ORS

.....Petitioners

Through: Mr. Vikas Sharma, Adv. (Through
VC)

versus

STATE GOVT. OF NCT OF DELHI AND ANR.Respondents

Through: SI Vijay Dahiya, PS Prashant Vihar
Mr. Karan Kathayat, Adv. for R-2
(Through VC)

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **10.03.2025**

1. The present petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking quashing of case FIR No. 278/2013 registered under Section 498A/406/34 of Indian Penal Code, 1860 (IPC) registered at P.S. Prashant Vihar, Delhi on the basis of the Settlement Deed dated 24.10.2024 ('Settlement Deed')

2. In light of the practice directions dated 24.12.2024 in relation to dealing with the petitions seeking quashing of FIR based on compromise, the learned Joint Registrar (Judicial) vide order dated 19.02.2025 has recorded that the parties have resolved their dispute and have agreed to amicably settle.

3. The FIR was registered on the complainant of Respondent No. 2 and to ascertain the veracity and the genuineness of the Settlement Deed,



statement of the Respondent No. 2 was recorded by the learned Joint Registrar (Judicial) on 31.01.2025. The parties have since obtained divorce on 25.05.2018. The settlement has been arrived at without prejudice to the right of minor child who is in the sole custody of the Respondent No. 2.

4. This Court notes that as per the statement of Respondent No. 2/complainant she has confirmed that she has received the total settlement amount of Rs. 30 lakhs towards her articles, stridhan as well as towards alimony and past, present and future maintenance, therefore, this Court finds no purpose in continuing with proceedings of the present FIR as it would be misuse of the process of the Court and an unnecessary burden on the State exchequer. Further this Court is also of the considered opinion that it is a fit case to exercise discretionary jurisdiction under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

5. At this point it would be apposite to refer the judgement of **Jitendra Raghuvanshi & Ors. vs. Babita Raghuvanshi & Anr.**¹, wherein Supreme Court has opined in respect of the matrimonial disputes that settlement inter se the parties must be encouraged and has specifically held as under:

“15. In our view, it is the duty of the courts to encourage genuine settlements of matrimonial disputes, particularly, when the same are on considerable increase. Even if the offences are non-compoundable, if they relate to matrimonial disputes and the Court is satisfied that the parties have settled the same amicably and without any pressure, we hold that for the purpose of securing ends of justice, Section 320 of the Code would not be a bar to the exercise of power of quashing of FIR, complaint or the subsequent criminal proceedings.

16. There has been an outburst of matrimonial disputes in recent times. The institution of marriage occupies an important place and it has an important role to play in the society. Therefore, every effort should be made in the interest of the individuals in order to enable

¹ (2013) 4 SCC 58.



them to settle down in life and live peacefully. If the parties ponder over their defaults and terminate their disputes amicably by mutual agreement instead of fighting it out in a court of law, in order to do complete justice in the matrimonial matters, the courts should be less hesitant in exercising their extraordinary jurisdiction. It is trite to state that the power under Section 482 should be exercised sparingly and with circumspection only when the Court is convinced, on the basis of material on record, that allowing the proceedings to continue would be an abuse of process of court or that the ends of justice require that the proceedings ought to be quashed....”

(Emphasis supplied)

6. In the light of the above noted judgment and the law laid down by the Supreme Court in **Gian Singh vs. State of Punjab &Anr.** reported as (2012) 10 SCC 303 as also in **Narinder Singh & Ors. vs. State of Punjab & Anr.** reported as (2014) 6 SCC 466, this Court sees no reason why the subject FIR and all proceedings emanating therefrom should not be quashed. Further in light of the settlement between the contesting parties, continuing with the subject FIR and all subsequent proceedings would be an exercise in futility and would not be conducive to peace and harmony between the parties.
7. Accordingly, FIR No. 278/2013 registered under Section 498A/406/34 of Indian Penal Code, 1860 (IPC) registered at P.S.- Prashant Vihar, Delhi is quashed along with all proceedings emanating therefrom.
8. The investigating Officer ('IO') is directed to appraise the Trial Court with respect to the quashing of the subject FIR.
9. Parties shall abide by the terms of the settlement dated 24.10.2024.
10. Petition stands disposed of.
11. Pending applications, if any, also stand disposed of.
12. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated



as a certified copy of the order for the purpose of ensuring compliance. No physical copy of order shall be insisted by any authority/entity or litigant.

MANMEET PRITAM SINGH ARORA, J

MARCH 10, 2025/ms

Click here to check corrigendum, if any