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

+ **CRL.M.C. 877/2025**

ANIL KUMAR AGGARWAL AND ORS.Petitioners

Through: Mr. Sachidanand Chaudhary, Adv.
through Vc. Along with
petitioners in person.

versus

THE STATE OF NCT DELHI AND ANRRespondents

Through: Mr. Digam Singh Dagar, APP for the
State.
SI Ritika Dhiwan, PS Chanakya Puri.
Counsel appearance not given for
R-2.
R-2 in person.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

% **23.05.2025**

1. This hearing has been done through hybrid mode.

CRL.M.A. 4097/2025(Exemption)

2. Allowed subject to all just exceptions. This application is disposed of.

CRL.M.C. 877/2025

3. The present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeks quashing of FIR No. 132/2013, under Sections 498A/406/34 of the IPC, registered at P.S. Chanakya Puri and all other consequential proceedings emanating therefrom, including the chargesheet filed and pending before the Court of Ms. Akansha Garg, learned JMFC, Patiala House Courts, New Delhi.

4. The marriage between the petitioner no.1/husband and the respondent

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no.2/wife was solemnized on 24.06.2012 as per Hindu Rites and Customs and one male child was born out of the said wedlock.

5. Due to matrimonial differences between petitioner no. 1 and respondent no. 2, the parties started residing separately from 01.05.2023. Subsequently, respondent no.2/complainant lodged an FIR against the petitioner no. 1 (husband), petitioner no. 2 (sister-in-law), petitioner no. 3 (sister-in-law) and petitioner no. 4 (brother-in-law), petitioner no. 5 (sister-in-law) and petitioner no. 6 (brother-in-law).

6. *Vide* Mediation settlement dated 19.07.2024 before Delhi Mediation Centre, Patiala House Court, the parties arrived at a settlement and as per the said settlement deed (Annexure P-2), the petitioner no.2 has agreed to pay an amount of Rs. 4,500/- per month to the respondent no.2/complainant as monthly alimony to meet the requirement of education of their child till the completion of her (child) matriculation. and further settled their dispute amicably without exchange of monetary compensation/ claim from each other towards full and final settlement of all her claims including *istridhan*, permanent alimony and maintenance- present, past and future.

7. In terms of the said settlement, the marriage between the parties stands dissolved by a decree of divorce dated 05.11.2024, passed by Mr. Harish Kumar, Judge, Family Court, Patiala House Courts, New Delhi, (Annexure P-3). As per the said decree of divorce, the custody of the minor child will be with the respondent no. 2/wife and the petitioner no. 1/husband will have no visitation rights.

8. Petitioner nos. 1 to 6 and the complainant/respondent no. 2 are present in person before the Court and the parties have been duly identified by their respective counsel, as well as the Investigating Officer, SI Ritika Dhiwan, PS

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Chanakya Puri.

9. The matter was also placed before the learned Joint Registrar who has recorded the statement of respondent no. 2 on 16.05.2025 which reads as under: -

“1. I am the respondent no. 2 in the present petition. I registered FIR No. 132/2013, Under Section 498-A/406/34 IPC, at PS Chankya Puri, Delhi against the petitioners. The charge sheet has been filed against the petitioners. The case is at the stage of prosecution evidence.

2. Now, I have voluntarily without any pressure or coercion from anyone and with the intervention of friends and family members and after obtaining due legal advice entered into mediation settlement dated 19.07.2024 in Delhi Mediation Centre, Patiala House Courts, Delhi with all the petitioners and have settled all my issues, disputes and grievances with the petitioners. The settlement is on record as Annexure P-2 copy at page 69 onwards bearing my signatures.

3. As per settlement in terms of clause 5.2, I have agreed to settle all my disputes without exchange of any monetary compensation/claim including stridhan, maintenance (past, present and future), permanent alimony or any other claim in respect to the marriage and rights in any properties etc. Of the petitioner and his family members. However, I have reserved my rights to claim monthly maintenance from the petitioner no. 1 to meet the requirement of education of baby Divyani Aggarwal till the completion of her matriculation. In this regard, the sister of petitioner no. 1 Ms. Sharmila has undertaken to pay monthly amount of Rs. 4,500/- to me in my account every month.

4. In the abovesaid FIR, Ms. Sharmila sister of petitioner no. 1 Anil Kumar Aggarwal, is one of the accused and in that capacity she has entered into mediation settlement, the mediation settlement also contains penalty clause for default for making payment of maintenance towards the minor child.

5. Although, I have given up my rights to claim any maintenance for myself but I reserve my rights to claim maintenance for the minor child in terms of judgment of "Ganesh Vs. Sudhir Kumar Srivastava" (Civil Appeal No. 4031-4032 of 2019 arising out of SLP Civil (C) No. 32868-32869 of 2018).

6. I have already obtained divorce from petitioner no. 1 in HMA no. 1327/2024. The decree sheet is on record as Annexure P-3 at page

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75 onwards.

7. As per settlement, custody of minor children namely Divyani Aggarwal (aged about 10 years) shall remain with me and without any visitation rights to the petitioner no. 1 or any of his family members or relatives. However, this settlement is without prejudice to the rights and interest of the child.

8. My affidavit of NOC for quashing of above said FIR is on record at page 29 onwards bearing my signatures. I have no objection if above mentioned FIR and all proceedings emanating therefrom are quashed qua the petitioner.

9. This is my true statement being made voluntarily in the presence of my counsel and I have signed it after the same is read over to me in Hindi and I have understood it.”

10. Learned Joint Registrar has recorded the statement of both the parties and passed the following order on 16.05.2025: -

“Today, statement of respondent no. 2, petitioner no. 1 and petitioner no. 2 have been recorded to ascertain the veracity and the genuineness of the parties entering into settlement. Respondent no. 2, petitioner no. 1 and petitioner no. 2 have been identified by their learned counsels. Let the pre-verified statement along with this ^ijder be placed before the Hon'ble Court on 23rd May, 2025.”

11. Complainant/respondent No.2 states that the matter has been settled with the petitioners and she has no objection if the FIR is quashed against the petitioners. She further states that all the terms of the settlement have been complied with. The parties have also undertaken to abide by their reciprocal obligations as agreed to in the aforesaid settlement agreement.

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

13. 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:-

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“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.”

14. 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. 132/2013, under Sections 498A/406/34 of the IPC, registered at P.S. Chanakya Puri and all other consequential proceedings emanating therefrom, including the chargesheet filed and pending before the Court of Ms. Akansha Garg, learned JMFC, Patiala House Courts, New Delhi.

15. In the interest of justice, the petition is allowed, and the FIR No. 132/2013, under Sections 498A/406/34 of the IPC, registered at P.S. Chanakya Puri and all other consequential proceedings emanating therefrom, including the chargesheet filed and pending before the Court of Ms. Akansha Garg, learned JMFC, Patiala House Courts, New Delhi, is hereby quashed.

16. It is, however, directed that this order shall not come in the way of the minor child in claiming her rights of inheritance, maintenance, educational and marriage expenses, etc. against any of the parties.

17. Petition is allowed and disposed of accordingly.

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

AMIT SHARMA, J

MAY 23, 2025/kr

[Click here to check corrigendum, if any](#)