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

+ **CRL.M.C. 1548/2023**

SANTOSH KUMAR AND ORS

.....Petitioners

Through: Mr. S.S. Yadav & Mr. R.K. Dixit,
Advts. with petitioner no.1 and 2 in
person.

versus

STATE THROUGH SHO PS NEW

ASHOK NAGAR AND ANR

.....Respondents

Through: Mr. Ajay Vikram Singh, APP for the
State.
SI Shah Faizal, P.S. New Ashok
Nagar.
Mr. Vishesh Wadhwa, Ms. Swadha
Gupta, Mr. Jatin Sharma & Mr.
Vishwam Mishra, Advts. for R-2 with
respondent no.2 in person.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

28.01.2025

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1. This hearing has been done through hybrid mode.
2. The present petition filed under Section 482 of the Cr.P.C. seeks quashing of the FIR No. 566/2015, under Sections 498A/406/34 IPC, registered at P.S. New Ashok Nagar and all other consequential proceedings emanating therefrom, including the chargesheet pending before the court of Ms. Shazadi Halima Sadima, learned Metropolitan Magistrate, Karkardooma Courts, Delhi.
3. The marriage between petitioner no.1/husband and respondent no.2/wife was solemnized on 28.06.2012 as per Hindu rites and ceremonies.



4. No 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 08.07.2014. Subsequently, respondent no.2/complainant lodged an FIR against petitioner no.1 (husband), petitioner no. 2 (brother-in-law) and petitioner no. 3 (sister-in-law) and petitioner no.4 (brother-in-law).
6. On 28.01.2019, parties arrived at a settlement and as per the said settlement deed, petitioner no.1 has agreed to pay an amount of Rs. 3,00,000/- to the respondent no.2/wife towards full and final settlement of all her claims including *istridhan*, permanent alimony and maintenance - present, past and future. The copy of the aforesaid settlement deed dated 28.01.2019 is on record (Annexure P-3).
7. In terms of the said settlement, the marriage between the parties stands dissolved by a decree of divorce dated 27.11.2019, passed by Shri Sanjay Kumar, Principal Judge, Family Court, East District, Karkardooma, Delhi (Annexure P/2). In terms of the aforesaid settlement for Rs. 3,00,000/- a sum of Rs. 2,00,000/- has already been paid and Rs. 1,00,000/- has to be paid at the time of quashing of the present FIR. Learned counsel for the petitioner submits that thereafter the matter was re-negotiated and today an additional amount of Rs. 1,00,000/- i.e. total amount of Rs. 2 lakhs has been handed over to the complainant/respondent no.2 by way of demand drafts.
8. Petitioners no.1 and 2 and complainant/respondent no. 2 are present before the Court and have been duly identified by their respective counsel, as well as the Investigating Officer SI Shah Faizal, P.S. New Ashok Nagar. Petitioner no.3 and 4 are stated to be attending the court hearing in the present FIR before the concerned court.



9. Demand drafts bearing no. 104552 dated 26.11.2024 for Rs. 1,00,000/- drawn on Axis Bank and no. 516654 dated 16.12.2024 for Rs.1,00,000/- drawn on Punjab National Bank been handed over complainant/Respondent No.2, who acknowledges the receipt of the same.

10. The complainant/respondent No.2 states that the matter has been settled with the petitioners and she has no objection if the FIR is quashed. She further states that all the terms of the agreement have been complied with.

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

12. 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:-

“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 proceeding.”

13. 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. 566/2015, under Sections 498A/406/34 IPC, registered at P.S. New Ashok Nagar and all other consequential proceedings emanating therefrom, including the chargesheet pending before the court of Ms. Shazadi Halima Sadima, learned Metropolitan Magistrate, Karkardooma Courts, Delhi.



14. In the interest of justice, the petition is allowed, and the FIR No. 566/2015, under Sections 498A/406/34 IPC, registered at P.S. New Ashok Nagar and all other consequential proceedings emanating therefrom, including the chargesheet pending before the court of Ms. Shazadi Halima Sadima, learned Metropolitan Magistrate, Karkardooma Courts, Delhi, is hereby quashed.

15. Petition is allowed and disposed of accordingly.

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

AMIT SHARMA, J

JANUARY 28, 2025/nk

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