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

+ **CRL.M.C. 1210/2025& CRL.M.A. 5422/2025**

MOHIT DHUPAR @ MOHIT DHUPER & ORS.Petitioners

Through: Mr. Deepak Parashar, Mr. Prakhar Singh, Ms. Neha and Mr. Abhinav Sharma, Advocates.
Petitioner nos. 1, 4 and 5 in person.
Petitioner nos. 2 and 3 through Vc

versus

THE STATE (GOVT. OF NCT) OF DELHI & ANR.

.....Respondents

Through: Mr. Sanjeev Sabharwal, APP for the State with Ms. Mansi Sharma, Advocate.
SI Kanhaiya Lal, P.S. Shahdara
Mr. Aman Durga, Advocate for R-2
alongwith R-2 in person (through Vc).

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

07.04.2025

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1. This hearing has been done through hybrid mode.
2. The present petition filed under Section 528 of the BNSS seeks quashing of FIR No. 90/2023, under Sections 498A/406/34 of the IPC, registered at P.S. Shahdara and all other consequential proceedings emanating therefrom, including the chargesheet pending before the court of Ms. Shruti Sharma, learned Judicial Magistrate First Class, Mahila Court, Shahdara, Karkardooma Courts, Delhi.
3. The marriage between petitioner no.1/husband and respondent



no.2/wife was solemnized on 03.05.2021 as per Hindu rites and ceremonies. No child was born out of the said wedlock.

4. Due to matrimonial differences between petitioner no. 1 and respondent no. 2, the parties started residing separately since June 2021.

5. On 06.04.2024, parties arrived at a settlement before Delhi Mediation Centre, Karkardooma Courts, Delhi and as per the said settlement deed, petitioner no.1 has agreed to pay an amount of Rs. 10,00,000/- 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. In pursuance of the same, respondent no. 2 has no objection, if the present FIR is quashed.

6. Petitioner nos. 1, 4 and 5, complainant/respondent no. 2 are present before the Court and petitioner nos. 2 and 3 appear through video conferencing and have been duly identified by their respective counsel, as well as the Investigating Officer, SI Kanhaiya Lal, P.S. Shahdara.

7. The matter was also placed before the learned Joint Registrar who has recorded the statements of both the parties and passed the following order dated 07.03.2025:

“On the last date of hearing. Respondent no. 2 received demand draft for a sum of Rs. 4,00,000/- bearing no. 702985 drawn on PNB Bank dated 19.12.2024. The said Demand Draft could not be honored because of a technical issue as Respondent no. 2 had changed her name in her Bank account. However, Respondent no. 2 has received a sum of Rs. 4,00,000/- via direct transfer in her account from the petitioners. Respondent no. 2 has already returned the unutilized demand draft to the petitioner.

As now Respondent no. 2 has received the entire settlement amount. Respondent no. 2 has no objection if FIR No. 90/2023, Under Section 498-A/406/34 IPG, registered PS Shahdara, Delhi is quashed. All other terms of the settlement stand complied with.



Sh. Deepak Parashar, Ld. Counsel for the petitioner whose vakalatnama is on record confirms through VC that indeed the unutilized the demand draft has been returned back by the Respondent no. 2 to the petitioner.

The statement of Respondent no. 2 to ascertain the veracity and the genuineness of the parties entering into settlement was recorded on 19.02.2025.

The Mediation/settlement/agreement dated 06.04.2024 entered into between the parties is on record as Annexure P-2 at page 39 to 48.

As per the settlement, the respondent no. 2 has now received the total settlement amount towards her article, stridhan as well as towards alimony and maintenance past, present and future. Respondent no. 2 states that she has no objection whatsoever if FIR no. 90/2023, Under Section 498-A/406/34 IPG, was registered PS Shahdara, Delhi, Delhi, against the petitioners is quashed. There is no child born out of wedlock.

Respondent no. 2 has also been granted divorce by Mutual consent in HMA No. 1294/2024 vide divorce decree dated 05.09.2024 as Annexure P-3 at page no. 49. Respondent no. 2 undertakes to fully cooperate in quashing of the present FIR and withdrawal of all/any other connected case, if any.

Respondent no. 2 has been identified by his counsel.

This pre verified report along with the petition may be placed before the Hon'ble Court on **07th April, 2025** alongwith the statements recorded today.”

8. 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.

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

10. 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.”

11. 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. 90/2023, under Sections 498A/406/34 of the IPC, registered at P.S. Shahdara and all other consequential proceedings emanating therefrom, including the chargesheet pending before the court of Ms. Shruti Sharma, learned Judicial Magistrate First Class, Mahila Court, Shahdara, Karkardooma Courts, Delhi.

12. In the interest of justice, the petition is allowed, and FIR No. 90/2023, under Sections 498A/406/34 of the IPC, registered at P.S. Shahdara and all other consequential proceedings emanating therefrom, including the chargesheet pending before the court of Ms. Shruti Sharma, learned Judicial Magistrate First Class, Mahila Court, Shahdara, Karkardooma Courts, Delhi, is hereby quashed.

13. Petition is allowed and disposed of accordingly.

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

AMIT SHARMA, J

APRIL 7, 2025/bsr/pr

Click here to check corrigendum, if any