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

+ **CRL.M.C. 1211/2025**

ISHWAR KUMAR ASHT AND ANRPetitioners

Through: Ms. Arti Gupta, Mr. Anubhav
Agrawal & Mr. Mateen Ahmad
Chauhan, Advocates

versus

STATE (NCT OF DELHI) AND ANRRespondents

Through: Mr. Hitesh Wali, APP for the State
with IO SI Hemant Kumar, PS
Jafrabad
R-2 in person with Mr. Yogesh
Kumar & Mr. P.C. Rawal, Advocates

CORAM:
HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

26.03.2025

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CRL.M.A. 5423/2025 EXEMPTION

Allowed, subject to all just exceptions.

Application stands disposed of.

CRL.M.C. 1211/2025

1. Present petition has been filed under Section 482 Cr.P.C. (Section 528 bnss, 2023) for quashing of FIR bearing No. 350/21, under Sections 323/354/354B/509/34 IPC, registered at PS Jafrabad, Delhi and further consequential proceedings emanating therefrom.
2. The marriage between the petitioner no.2/husband and the respondent no.1/wife was solemnized on 22.07.2017 as per Hindu Rites and Customs



and one male child namely Master Hardik was born on 18.12.2018 out of the said wedlock.

3. Due to temperamental issues between the petitioner no. 2 and the respondent no. 1, they are living separately since November 2019 and disputes arose between them which culminated to registration of the present FIR no.0350/2021.

4. The FIR in the present case has been registered under Sections 323/354/354(B)/509/34 IPC with the allegations that the petitioners, who are the father in law and brother in law of the complainant/respondent no.2 respectively, had abused and beaten her. She was pushed on the chest and thrown on the ground and badly beaten in the presence of the police. They also thrashed her face, scratched her hands and face and tried to tear her clothes and kill her, as a result of which, she suffered bruises and scratches on her hands and chest.

5. During the pendency of litigations, the matter was referred to Delhi Medidation Centre, Karkardoma Courts, Delhi wherein vide Mediation Order dated 28.10.2024, the parties entered into a settlement. As per the settlement vide Mediation Order dated 28.10.2024, the petitioner no.2/husband has agreed to pay an amount of Rs. 16,00,000/- 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. As per the Mediation Order dated 28.10.2024, it is agreed between the parties that petitioners shall disburse Rs.16 Lakhs to respondent no.2/wife in the manner as under:-

“ vi. It is agreed between the parties that the husband shall pay the above-said settled amount to the wife by way of demand drafts/RTGS/NEFT as per the following schedule:-



S No.	Amount	Date
1.	Rs. 4,00,000/-	At the time of recording statement in the first motion petition under Section 13B(1) of Hindu Marriage Act.
2.	Rs. 4,00,000/-	At the time of recording statement in the second motion petition under Section 13B(2) of Hindu Marriage Act.
3.	Rs. 4,00,000/-	At the time of the quashing of the FIR No. 350/21 before the Hon'ble High Court against the persons named in FIR (as stated hereinabove)
4.	Rs. 4,00,000/-	At the time of the quashing of the FIR No.359/19 before the Hon'ble High Court against the persons named in FIR (as stated hereinabove)

6. As per the said Mediation Order dated 28.10.2024, custody of the minor child Master Hardik will be with the respondent no. 2/wife and the petitioner no.2/husband and the petitioner no.1/father-in-law will have visiting rights in the manner as under:-

“viii. It is also agreed between the parties that the husband Sh. Abhishek and grand-father Sh. Ishwar shall have visitation right to meet the minor male child named Hardik once in a month on every First Friday between 3:00 PM to 5:00 PM at Child Meeting Room, Ground Floor, Karkardooma Courts, Delhi as per the convenience of parties and child. It is also agreed between the parties that in case of any unforeseen incident, the child meeting shall not held on First Friday, then it shall be rescheduled for



Second or Third Friday of the same month, as per mutual agreement of the parties.”

7. The petitioners as well as the complainant/respondent No.2 are present and have been duly identified by their respective counsels as well as by the Investigating Officer SI Hemant Kumar, PS Jafrabad. It has been submitted that petitioner no.1 and respondent no.2 have obtained divorce by mutual consent.

8. The Complainant/respondent No.2 states that the matter has been settled with the petitioners and all the terms of the settlement vide Mediation Order dated 28.10.2024 have been complied with. She stated that she has received the entire settled amount of Rs. 16 lacs from the petitioners. She has no objection if the FIR no. 0350/21 is quashed against the petitioners alongwith all consequential proceedings emanating therefrom.

9. The learned APP for the Respondent no.1/State submits that in view of the settlement arrived between the parties vide Mediation Order dated 28.10.2024, he has no objection if this petition is allowed and the FIR no. 0350/21 is quashed alongwith all consequential proceedings emanating therefrom.

10. In **Gian Singh v. 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 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.”



11. As per settlement vide Mediation Order dated 28.10.2024, the parties have agreed to withdraw all complaints cases filed by them against each other. Respondent No.2 agreed to cooperate with the petitioners in the quashing of FIR No.0350/21.

12. 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.0350/21 under Sections 323/354/354B/509/34 IPC, registered at PS Jafrabad, Delhi and further consequential proceedings emanating therefrom.

13. In the interest of justice, the present petition is allowed, and FIR No.0350/21 under Sections 323/354/354B/509/34 IPC, registered at PS Jafrabad, Delhi and further consequential proceedings emanating therefrom are hereby quashed.

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

15. Petition is allowed and disposed of accordingly.

16. Pending applications, if any, also stand disposed of.

RAVINDER DUDEJA, J.

MARCH 26, 2025

RM/F/AK