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

Date of Decision: 07.05.2025

+ CRL.M.C. 1430/2025

RADHEY SHYAM & ORS.

.....Petitioners

Through: Ms. Sonia Dhariwal and Mr.
Kunal Khanna, Advs.

versus

THE STATE (NCT OF DELHI) & ANR.

.....Respondents

Through: Ms. Meenakshi Dahiya, APP
with SI Rupesh Raj, PS Bharat
Nagar and SI Raj Kumar,
Narcotics Cell

CORAM:

HON'BLE MS. JUSTICE SHALINDER KAUR

SHALINDER KAUR, J (ORAL)

1. By way of the present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the petitioners seek quashing of the FIR bearing No. 421/2016 dated 10.09.2016 registered for offence under Sections 406/498A of the Indian Penal Code, 1860 at Police Station Bharat Nagar, and all consequential proceedings arising therefrom.

2. The present matter arises out of a matrimonial dispute, wherein petitioner no.1 is the husband of respondent no.2. Owing to certain



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differences, the petitioner no. 1 and respondent no. 2 began residing separately with effect from 13.03.2015. Though efforts were undertaken to amicably resolve the issues and arrive at a settlement between the parties, the same proved unsuccessful due to persisting disagreements. Consequently, respondent no.2 proceeded to file a complaint against the petitioners herein, pursuant to which the said FIR came to be registered.

3. Further, respondent no.2 has instituted a petition under Section 125 of the Code of Criminal Procedure seeking grant of maintenance from petitioner no.1, which has been registered as Mt. Case No. 359/2018 before the learned Principal Judge, Family Court, District North-West, Rohini Courts, Delhi. Thereafter, the respondent no.2 has also filed an execution petition for the order of interim maintenance as awarded by the learned Family Court.

4. It is submitted that during the pendency of proceedings arising out of the said FIR, an oral amicable settlement was arrived at between petitioner no.1 and respondent no.2 through the intervention of family members. Pursuant to the said settlement, petitioner no.1 and respondent no.2 resumed cohabitation and have been residing together since 01.06.2024. It is pertinent to note that the respondent no.2 has also withdrawn the Execution Petition and the petition under Section 125 Cr.P.C. on 06.06.2024 and 23.12.2024 respectively.

5. In furtherance of the aforesaid oral amicable settlement, a formal settlement deed dated 31.01.2025 was executed between petitioner no.1 and respondent no.2. As per the terms of the said deed,



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petitioner no.1 agreed to pay a sum of ₹2,000/- (Rupees Two Thousand Only) per month to respondent no.2 towards her pocket expenses, and further undertook to bear all day-to-day expenses and needs of respondent no.2 as well as their child. In turn, respondent no.2 agreed to the quashing of the FIR registered against petitioner no.1 and his family members.

6. Pursuant to the aforesaid settlement, the statements of the parties were recorded by the learned Joint Registrar (Judicial) on 29.04.2025, during which both parties were duly identified by the Investigating Officer. In her statement before the Joint Registrar, respondent no.2 categorically stated that she has no objection to the quashing of the subject FIR and all proceedings arising therefrom.

7. In view of the foregoing, the counsel for the parties jointly pray that the said FIR be quashed.

8. Having heard the learned counsel for the parties, perused the terms of the settlement deed, and examined the statements of the parties recorded before the learned Joint Registrar (Judicial), this Court also takes note of the statement made today by respondent no.2, who is present in Court. She affirms that she is receiving the amount as stipulated in the settlement deed and has no objection to the quashing of the subject FIR.

9. In these circumstances, and having regard to the principles laid down by the Supreme Court in **Gian Singh vs. State of Punjab & Anr.**: (2012) 10 SCC 303 and **Narinder Singh & Ors. vs. State of Punjab & Anr.**: (2014) 6 SCC 466, and in view of the fact that the



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parties have amicably resolved their disputes voluntarily and without any coercion, this Court is of the considered opinion that no useful purpose would be served by continuing with the criminal proceedings. On the contrary, such continuation is likely to foster further animosity between the parties and may prove to be detrimental to peace and harmony in the matrimonial life of the parties. Accordingly, in the interest of justice, the subject FIR and all proceedings emanating therefrom deserve to be quashed.

10. Consequently, FIR No. 421/2016 dated 10.09.2016 registered for offence under Sections 406/498A of the Indian Penal Code, 1860 at Police Station Bharat Nagar and all consequential proceedings emanating therefrom are quashed.

11. Accordingly, the petition stands disposed of.

SHALINDER KAUR, J

MAY 7, 2025/SU/SK

Click here to check corrigendum, if any