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

+ **CRL.M.C. 1704/2025**

SHANUR RAB

.....Petitioner

Through: Mr. Abhishek Kumar and Mr. Kumar
Pal, Advocate along with Petitioner in
person

versus

STATE OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Nawal Kishore Jha, APP for State
with SI Nitin, PS: Jamia Nagar
Mr. Sachin Dayma, Advocate for R-2
along with R-2 in person

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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11.03.2025

1. The present petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') seeking quashing of FIR No. 425/2021 dated 22.09.2021 registered at Police Station Jamia Nagar, Delhi under Section 498A/406/323/506/34 of Indian Penal Code, 1860 ('IPC').
2. The Petitioner is present in Court and is duly identified by Mr. Abhishek Kumar, the learned counsel for the Petitioner and the Investigating Officer ('IO').
3. Similarly, Respondent No. 2 is also present in Court and is duly identified by Mr. Sachin Dayma, the learned counsel for the Respondent No. 2 and the IO.
4. Learned counsel for the Petitioner states that disputes between the



parties arise out of the matrimonial relationship of Petitioner and Respondent no. 2. He states that parties have entered into a settlement dated 04.03.2024 before the Counseling Cell, Family Court, South-East District, Saket Courts, New Delhi.

5. He states that as per the settlement dated 04.03.2024, the Petitioner has undertaken to pay a total sum of Rs. 11 lakhs to the Respondent No. 2 in three (3) instalments towards full and final settlement of all her claims towards permanent alimony. He states that all the three instalments stand paid and there is no amount outstanding.

6. He states that acting upon the settlement agreement, the parties had applied for a divorce by mutual consent which has been granted by the Family Court, Family Court, South-East District, Saket Courts, New Delhi vide Judgement dated 07.11.2024.

7. He states that there are two (2) children born out of the wedlock and both are major. He states that present settlement agreement only deals with the rights of Respondent no. 2 and legal rights of the children remain unaffected.

8. Respondent no. 2 who is present in Court has interacted with the Court. She confirms execution of the settlement dated 04.03.2024 and affidavit filed in support of this petition on her behalf recording her no objection to the relief of quashing. She confirms receipt of settlement amount of 11 lakhs.

9. This Court has considered the submissions of the parties.

10. The Supreme Court in the case of **Jitendra Raghuvanshi v. Babita**



Raghuvanshi¹, has opined that in respect of the matrimonial disputes settlement inter se the parties must be encouraged and has specifically held as follows: -

“15. In our view, it is the duty of the courts to encourage genuine settlements of matrimonial disputes, particularly, when the same are on considerable increase. Even if the offences are non-compoundable, if they relate to matrimonial disputes and the Court is satisfied that the parties have settled the same amicably and without any pressure, we hold that for the purpose of securing ends of justice, Section 320 of the Code would not be a bar to the exercise of power of quashing of FIR, complaint or the subsequent criminal proceedings.

16. There has been an outburst of matrimonial disputes in recent times. The institution of marriage occupies an important place and it has an important role to play in the society. Therefore, every effort should be made in the interest of the individuals in order to enable them to settle down in life and live peacefully. **If the parties ponder over their defaults and terminate their disputes amicably by mutual agreement instead of fighting it out in a court of law, in order to do complete justice in the matrimonial matters, the courts should be less hesitant in exercising their extraordinary jurisdiction.** It is trite to state that the power under Section 482 should be exercised sparingly and with circumspection only when the Court is convinced, on the basis of material on record, that allowing the proceedings to continue would be an abuse of process of court or that the ends of justice require that the proceedings ought to be quashed....”

(Emphasis Supplied)

11. Keeping in view the nature of the dispute in the petition being matrimonial and the fact that the parties have amicably settled the dispute and considering the chances of conviction of the petitioner being remote and bleak, there is no use continuing with proceedings of the present FIR as it would be a misuse of the process of the Court and an unnecessary burden on

¹ (2013) 4 SCC 58



the State exchequer. Further this Court is also of the considered opinion that it is a fit case to exercise discretionary jurisdiction under Section 528 of BNSS.

12. In view of the above, the petition is allowed. Consequently, the FIR No. 425/2021 dated 22.09.2021 registered at Police Station Jamia Nagar, Delhi under Section 498A/406/323/506/34 of IPC and proceedings emanating therefrom, are quashed, *qua* the petitioner(s).

13. Parties shall abide by the terms of settlement.

14. It is clarified that the terms of the Settlement will not affect the legal rights of the two children qua their parents in terms of the Judgment of the Supreme Court in **Ganesh v. Sudhirkumar Shrivastava**².

15. Accordingly, the petition is disposed of. Pending applications (if any) are disposed of as infructuous.

16. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of order shall be insisted by any authority/entity or litigant.

MANMEET PRITAM SINGH ARORA, J

MARCH 11, 2025/rhc/AKT

Click here to check corrigendum, if any

² (2020) 20 SCC 787.