



2025:DHC:2832



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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22nd April 2025

+ CRL.M.C. 1764/2025

SH. VINAY AGGARWAL & ORS.Petitioners

Through: Mr. Rajeev Saini, Advocate
with Mr. Vinay Aggarwal,
petitioner No. 1 in person.
Petitioners No. 2 to 5 through
VC

versus

STATE (NCT OF DELHI) & ANR.Respondents

Through: Mr. Hitesh Vali, APP for the
State
Mr. Arjun Anand & Ms. Priyam
Wadhawan, Advocates for
respondents through VC
Respondent No. 2 through VC

CORAM:-**HON'BLE MR. JUSTICE RAVINDER DUDEJA****JUDGMENT (ORAL)****RAVINDER DUDEJA, J.**

1. This is a petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking quashing of FIR No. 0367/2020, dated 20.10.2020, P.S Sarai Rohilla under sections 498A/406/34 IPC and all proceedings emanating therefrom on the basis of settlement between the parties.

2. The marriage between Petitioner No.1 and Respondent No.2 was solemnized on 11.12.2009 as per Hindu rites and ceremonies at



Delhi. Two children namely Vedant and Aditya were born out of the said wedlock. It is submitted that due to temperamental differences, the couple started living separately since 20.03.2016. The Petitioner No. 1 had also filed a divorce petition under section 13(i-a)(i-b) of HMA against the Respondent No.2 bearing HMA No. 1525/2018. Thereafter, Respondent No. 2 filed a petition under the DV Act bearing no. 14444/2018 and consequential execution petition bearing Ex. no. 46/2023 and also lodged the aforesaid FIR No. 0367/2020 at PS Sarai Rohilla and another FIR No. 430/2023 at PS Ashok Vihar against Petitioner No. 1 and his family members. The Petitioner No.1 filed a criminal appeal bearing CA no. 21/2023, a criminal case bearing Crl MC no. 6770/2023 and a guardianship petition bearing no. 58/2018 against the Respondent no.2.

3. During the proceedings, the parties amicably resolved their disputes with the intervention of the Court of Ld. Principal Judge, Family Courts, Tis Hazari Courts, Delhi and the respective counsel for the parties and have reached a Settlement as shown in statement of the Petitioner no.1 and the Respondent no.2 in HMA No. 1525/2018 and GP No. 58/2018 titled as ***Vinay Agarwal Vs. Richa Agarwal*** dated 19.02.2024. In pursuance of the Settlement, the parties jointly filed a fresh petition for divorce by mutual consent under Section 13B(1) of the Hindu Marriage Act, 1955. The Court of Ld. Principal Judge, Family Courts, Tis Hazari Courts, Delhi allowed the mutual divorce petition on 30.07.2024, thereby dissolving the marriage between the



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Petitioner No.1 and Respondent No.2. It is submitted that all the previous complaints and litigations initiated by the parties has been withdrawn and all conditions of the Settlement have been fulfilled including the payment of entire settlement amount i.e., Rs. 78,00,000/- (Rs. Seventy Eight Lacs) as per the schedule mentioned in the Settlement. The copies of the statements of Petitioner no.1 and the Respondent no.2 in HMA No. 1525/2018 and GP No. 58/2018 titled as *Vinay Agarwal Vs. Richa Agarwal* dated 19.02.2024 detailing the Settlement have been placed on record as Annexure C.

4. The matter was placed before the Joint Registrar, who has recorded the statements of both the parties and passed the following orders:-

“26.03.2025

Mr. Arjun Anand, Ld. Counsel for Respondent no. 2 & Respondent no. 2 appeared (Through VC) and submits that the two demand drafts for a sum of Rs. 14,00,000/- bearing no. 657883 drawn on IDFC First Bank, dated 10.03.2025 & Rs. 14,00,000/- bearing no. 657882 drawn on IDFC First Bank, dated 10.03.2025 handed over to Respondent no. 2 on the last date of hearing stands duly honoured and nothing else remains due in this case and Respondent no. 2 has no objection if FIR No. 367/2020 under Section 498-A/406/34 IPC was registered at PS Sarai Rohilla, Delhi and all proceeding emanating there from is quashed qua the petitioners.

The statement of Respondent no. 2 to ascertain the veracity and the genuineness of the parties entering into settlement was recorded on 12.03.2025.

Respondent no. 2 states that she has voluntarily and without any pressure or coercion from anyone; and after obtaining due legal advice entered into settlement with the petitioner and Respondent



no. 2 has given her statement of settlement in HMA No. 1525/2018 and GP No. 58/2018 titled as Vinay Agarwal Vs. Richa Agarwal dated 19.02.2025 before the Court of Sh. Sanjay Kumar Aggarwal, Ld. Principal Judge, Family Court, Central District, Tis Hazari Court, Delhi. Her statement so recorded through her counsel Sh. Arjun Anand is on record commencing from page no. 108 onwards of the petition bearing the signatures of her counsel.

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 whatsoever and Respondent no. 2 shall not claim anything in this regards in future by way of any litigation.

Respondent no. 2 states that she has no objection whatsoever if FIR no. 367/2020 under Section 498-A/406/34 IPC was registered at PS Sarai Rohilla, Delhi, against the petitioners is quashed.

Respondent no. 2 has also been granted divorce by Mutual consent in HMA No. 1063/2024 vide decree dated 13.07.2024 which is on record as Annexure D at page 130.

As per settlement, the custody of both the minor children namely Vedant Aggarwal & Aaditya Aggarwal shall remain with Respondent no. 2 and petitioner no. 1 shall have the visitation rights as per the settlement in terms of statement dated 19.02.2024 which is Annexure – C but the petitioner no. 1 shall not claim custody of the minor children. It is agreed that the settlement is without prejudice to the rights and interest of the children. As per the settlement, Respondent no. 2 has already created two FDR's each for a sum of Rs. 22.5 lacs in favour of both the minor children. Respondent no. 2 undertakes to abide by all the terms of the settlement.

Respondent no. 2 shall fully cooperate with regards to the visitation rights with the petitioner. As per the terms of the settlement, Respondent no.2 has already withdrawn all other cases instituted by me against the petitioner. Respondent no. 2 further states that she undertakes to withdraw any other case, if any remaining.

Respondent no. 2 shall abide by all the terms of the settlement and fully cooperate in quashing of the present FIR and withdrawal of any other case, if any as per the settlement. Respondent no. 2



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undertakes to fully cooperate in quashing of the present FIR and withdrawal of all/any other connected case, if any.

This pre verified report along with the petition may be placed before the Hon'ble Court on **22nd April, 2025** connected with W.P (CRL) 856/2025."

5. Petitioner No. 1 is present physically before the Court while petitioners No. 2 to 5 and respondent No. 2 have entered their appearance through VC. They have been identified by their respective counsels.

6. Respondent no. 2 submits that the matter has been settled with the petitioners without any force, fear, coercion and she has received the entire settlement amount i.e., Rs. 78,00,000/- (Rs. Seventy Eight Lacs) as per the schedule mentioned in the Settlement detailed in the statement of the Petitioner no.1 and the Respondent no.2 in HMA No. 1525/2018 and GP No. 58/2018 titled as ***Vinay Agarwal Vs. Richa Agarwal*** dated 19.02.2024. She further submits that she has no objection if the FIR No. 0367/2020 is quashed against the petitioners.

7. In view of the settlement between the parties, learned Additional PP appearing for the State, also has no objection if the present FIR No. 0367/2020 is quashed.

8. In ***Gian Singh Vs. 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."

9. In view of the aforesaid circumstances and the fact that parties have put a quietus to the dispute, no useful purpose will be served in continuing with the present FIR No. 0367/2020, dated 20.10.2020 registered at P.S Sarai Rohilla under sections 498A/406/34 IPC and all the other consequential proceeding emanating therefrom.

10. In the interest of justice, the petition is allowed, and the FIR No. 0367/2020, dated 20.10.2020 registered at P.S Sarai Rohilla under sections 498A/406/34 IPC along with the charge sheet and all the other consequential proceeding emanating therefrom is hereby quashed.

11. Petition is allowed and disposed of accordingly.

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

RAVINDER DUDEJA, J

APRIL 22, 2025/ak