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

+ **CRL.M.C. 1767/2025**

PRATAP SINGH

.....Petitioner

Through: Mr. Arun Kumar, Adv.
versus

THE STATE GOVT. OF NCT OF DELHI AND ANR.

.....Respondents

Through: Mr. Sanjeev Sabharwal, APP for the
State and Ms. Mansi Sharma, Adv.
SI Mayank Istwal, PS Mayur Vihar.
Ms. Vaishali, Adv. For Respondent
No.2.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

26.03.2025

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1. This hearing has been done through hybrid mode.

CRL.M.A. 7975/2025(exemption)

2. Allowed, subject to all just exceptions. This application is disposed of.

CRL.M.C. 1767/2025

3. The present petition under Section 482 Cr.P.C. read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeks quashing of FIR No. 378/2016, under Sections 498A/406 of the IPC, registered at P.S. Mayur Vihar, Phase-1 and all other consequential proceedings emanating therefrom, including the chargesheet pending before the Court of Ms. Ritika Kansal, learned Judicial Magistrate First Class (Mahila Court)-02, Karkardooma Courts, New Delhi.

4. The marriage between the petitioner/husband and the respondent



no.2/wife was solemnized on 04.01.2008 at Greater Noida, U.P. as per Hindu Rites and Customs and one female child namely Ms Himanshi @ Gungun was born out of the said wedlock.

5. Due to matrimonial differences between petitioner no. 1 and respondent no. 2, the parties resided separately from 18.05.2016. Subsequently, respondent no.2/complainant filed a complaint before the CAW Cell, Delhi against the petitioner and on the basis of the said complaint, the case FIR was registered against the petitioner/ husband.

6. Learned counsel appearing on behalf of the petitioner submits that during the pendency of the proceedings, the latter has settled the matter with respondent no. 2 *vide* a Memorandum of Understanding dated 29.11.2019 (Annexure P-2) in pursuance of which respondent no. 2 has no objection if the present FIR and the subsequent chargesheet are quashed.

7. Petitioner and complainant/respondent no. 2 are present before the Court today and have been duly identified by the Investigating Officer, Sub Inspector Mayank Istwal, P.S. Mayur Vihar.

8. The matter was also placed before the learned Joint Registrar on 12.03.2025 who has recorded the statements of both the parties and passed the following order:

“Today, statement of respondent no. 2 & petitioner has been recorded to ascertain the veracity and the genuineness of the parties entering into settlement.

Respondent no. 2 lodged FIR No. 378/2016, Under Section 498-A/406 IPC, registered at PS Mayur Vihar, Delhi and charge sheet has been filed against the petitioner.

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 deed with the petitioner during counseling proceedings in the Court of Judge Family Court, East District, Karkardooma Court, Delhi which is on record as Annexure



P-2 commencing from page 37 bearing her signatures.

As per the settlement, Respondent no. 2 has settled all the issues and disputes with the petitioner without any other monetary or any consideration. Respondent no. 2 has no objections, if the FIR No. 378/2016, Under Section 498-A/406 IPC, registered at PS Mayur Vihar, Delhi and all proceedings emanating there from are quashed against the petitioner.

Respondent no. 2 states that she does not wish to claim any alimony or maintenance for past, present and future whatsoever from the petitioner; and Respondent no. 2 shall not claim anything in this regards in future by way of any litigation. Respondent no. 2 undertakes to abide by all the terms of the settlement and fully cooperate in quashing of the present FIR.

As per the terms of the settlement, Respondent no. 2 has already withdrawn all other cases instituted by her against the petitioner. Respondent no. 2 further undertake to withdraw any other case, if any remaining.

Respondent no. 2 has already obtained divorce from petitioner no. 1 in HMA No. 1036/2022. The divorce decree dated 12.08.2022 is on record as Annexure P-3 at page 42.

As per settlement, the custody of minor child namely Himanshi (aged about 14 years) shall remain with respondent no. 2 without any visitation rights to the petitioner or any of his family members or relatives. Respondent no. 2 shall not claim any maintenance whatsoever from the petitioner for the upbringing of the minor child. However, the settlement arrived at between the parties is without prejudice to the rights of minor child.

Statement of petitioner (Husband) qua not pressing for visitation rights qua minor child recorded separately.

Now, Respondent no. 2 has no objection whatsoever if the present FIR against the petitioner is quashed and Respondent no. 2 shall fully cooperate in quashing of the present FIR and raise no claim in future through any civil or criminal litigation with regards to the incident relating to the present FIR. Respondent no. 2 has also given her affidavit in support of the present petition which is at page no. 14-15 of the petition bearing her signatures.

Respondent no. 2 & petitioner has been identified by his counsel.

This pre verified report along with the petition may be placed before the Hon'ble Court on 26th March, 2025 alongwith the statements recorded today.”



9. Respondent no. 2 submits that she has entered into a compromise voluntarily with the petitioner and has no objection if the present FIR and the consequential proceedings emanating therefrom including the chargesheet are quashed.

10. In view of the settlement between the parties, learned APP for the State also has no objection if the present FIR and the consequential proceedings arising therefrom are also quashed.

11. In **Gian Singh vs. 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.”

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 and all other consequential proceedings emanating therefrom, including the chargesheet filed and pending before the Court of competent jurisdiction.

13. In the interest of justice, the present petition is allowed, and FIR No. 378/2016, under Sections 498A/406 of the IPC, registered at P.S. Mayur Vihar, Phase-1, and all other consequential proceedings emanating therefrom, including the chargesheet filed and pending before the Court of Ms. Ritika



Kansal, learned Judicial Magistrate First Class (Mahila Court)-02, Karkardooma Courts, New Delhi are hereby quashed.

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

15. Petition is allowed and disposed of accordingly.

16. Pending application(s), if any, also stands disposed of.

AMIT SHARMA, J

MARCH 26, 2025/kr/sc

[Click here to check corrigendum, if any](#)