



2025:DHC:2684



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

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Date of decision: 16.04.2025

+ **CRL.M.C. 2032/2025****ASHA GUPTA & ORS.**

.....Petitioners

Through: Mr. Madhu Mukul Tripathi &
Mr. Utkrisht Tripathi, Advs
alongwith P- 1 to 3 alongwith
P-3 in person.P-1 & 2 in person (through
VC).Mr. Tushit Kumar Singh & Ms.
Nisha Sharma, Advs for
petitioner No.4 alongwith P-4.

versus

THE NCT OF DELHI

... Respondent

Through: Mr. Hitesh Wali, APP for State
with SI P. Buno, PS Madhu
Vihar.**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 charge sheet no. 816802320007601/2020 arising out of FIR No. 0076/2020, dated 30.03.2020, registered at P.S Madhu Vihar under sections



2025:DHC:2684



498A/406/34 IPC and all proceedings emanating therefrom on the basis of settlement between the parties.

2. The marriage between Petitioner No.3 and Petitioner No.4 was solemnized on 22.04.2004 as per Hindu rites and ceremonies at Delhi. Twins namely Dhairya and Harshit were born out of the wedlock on 05.03.2005. The couple shifted to their new house i.e. Flat bearing No.E-203, Bathla Apartment, I.P. Extension, Delhi-110092. Due to temperamental differences, the couple started living separately since May, 2016. The Petitioner No.3 filed a petition for divorce under section 13B (1) of the Hindu Marriage Act, 1955 and an application under section 340 Cr.P.C. Thereafter, Petitioner No.4 filed petitions under section 12 of the DV Act and under section 125 Cr.P.C. and also lodged the aforesaid FIR against Petitioner No. 3 and his family members. The Petitioner No.4 was awarded Rs. 12,000/- per month as interim maintenance in the petition under Section 12 of DV Act vide order dated 21.05.2022. Being aggrieved, the Petitioner No.4 and her sons challenged the aforesaid order by preferring the appeal.

3. During the proceedings of the appeal, the parties were referred to mediation by the Court of Ld. Principal District and Sessions Court, Karkardooma Courts where they amicably resolved their disputes and executed a Settlement Agreement dated 05.10.2024. 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 learned Family Court, Karkardooma Courts allowed the



2025:DHC:2684



mutual divorce petition on 14.01.2025, thereby dissolving the marriage between the Petitioner No.3 and Petitioner No.4. It is submitted that all the previous complaints and litigations initiated by the parties has been withdrawn and all conditions of the Settlement Agreement have been fulfilled including the payment of the arrears of interim maintenance of Rs. 20,500/- and the transfer of the property/Flat bearing No.E-203, Bathla Apartment, I.P. Extension, Delhi-110092 by the Petitioner No.3 to the Petitioner No.4. The copy of Settlement Agreement dated 05.10.2024 has been placed on record as Annexure P-3.

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

The present non contentious petition has been filed by the petitioners under Section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023 for quashing of the FIR NO. 76/2020 Under Sections 498A,406 &34 of the Indian Penal Code registered at P.S. Madhu Vihar on the basis of settlement arrived at between the parties.

2. As per the submissions, the matter between the petitioners and complainant has been amicably settled. Learned counsel for petitioners submits that P-3 is present in Court and P-1 and 2 are present in Court through video conferencing.

3. Learned counsel for petitioners submits that inadvertently R-2 has been added as P-4 in the present matter. He seeks some time to



2025:DHC:2684



file the amended memo of parties. Heard. Allowed. Let amended memo of parties be filed within one week.

4. Vide separate statement recorded in this behalf by P-3 and orally submitted by P-1 and 2 by virtual mode that dispute between them and complainant has been amicably settled as per the settlement deed dated 05.10.2024. The settlement has been arrived at between the parties herein without any force, coercion, undue influence and pressure. They have signed the settlement deed with their wish and will. Vide separate statement recorded in this behalf, complainant stated that dispute between her and petitioners has been amicably settled as per the settlement deed dated 05.10.2024. The settlement has been arrived at between the parties herein without any force, coercion, undue influence and pressure. She has signed the settlement deed with her wish and will.

5. Investigating Officer is present in Court and has duly verified the identity of both the parties. Vide separate statement recorded in this behalf, Investigating Officer stated that the charge sheet has been filed in the present matter. He identified the prosecutrix/victim. He has also identified the petitioners who are accused in the present matter. He has also verified the settlement deed executed between the parties.

6. The parties along with their counsels have confirmed that the settlement deed has been duly entered into between them.

7. Learned counsel for State/APP enters appearance and accepts notice. He submits that in view of the statement recorded, let the matter be placed before the Hon ble Court.



2025:DHC:2684



8. The compromise/settlement deed is in writing and has been duly signed by both the parties. I have heard both the parties and from the direct dialogue with both the parties, it is observed that the consent of both the parties is found to be genuine and has not been obtained under undue influence or pressure.

9. In view of the above and subject to filing the amended memo of parties, matter be placed before the Hon'ble Court on 16.04.2025.

5. Petitioner no. 3 & 4 are physically present before the Court while Petitioner no. 1 & 2 have entered their appearance through VC. Dhairya Goel, son of petitioner Nos. 3 & 4 is also present alongwith petitioner No.4. They have been identified by their respective counsels as well as by the Investigating Officer SI P. Buno, from PS Madhu Vihar, Delhi.

6. Petitioner No.4 submits that the matter has been settled with the petitioners without any force, fear, coercion and she has received the payment of the arrears of interim maintenance of Rs. 20,500/- and the transfer of the property/Flat bearing No.E-203, Bathla Apartment, I.P. Extension, Delhi-110092 by the Petitioner No.3 as mentioned in the Settlement Agreement dated 05.10.2024 in favour of both children. She further submits that she has no objection if the FIR No. 0076/2020 alongwith charge sheet 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. 0076/2020 alongwith charge sheet is quashed.



2025:DHC:2684



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. 0076/2020, dated 30.03.2020, registered P.S Madhu Vihar 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. 0076/2020, dated 30.03.2020, registered P.S Madhu Vihar 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 16, 2025/sk/ak