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

+ CRL.M.C. 2196/2025 and CRL.M.A. 9841/2025

SH AKASH GUPTA AND ANR

.....Petitioners

Through: Ms. Ravinder Kaur and Mr. Sourabh Aggarwal, Advocates with petitioners in person.

versus

THE STATE NCT OF DELHI AND ANR

.....Respondents

Through: Mr. Sanjeev Sabharwal, APP for the State with SI Sunit, PS – Jagat Puri.  
Mr. Ashish Chaudhary, Advocate for respondent no. 2 with respondent no.2 in person.

**CORAM:**

**HON'BLE MR. JUSTICE ARUN MONGA**

**ORDER**

**24.07.2025**

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1. The petitioners herein seek the quashing of FIR No. 90/2023 dated 31.01.2023 under Sections 365 and 380 IPC, registered at P.S. Jagat Puri, Shahdara, Delhi on the basis of compromise arrived between the parties.

2. Dispute between the parties arose from matrimonial discord between petitioner No.2 (wife) and complainant/Respondent no.2 (husband). The Petitioner No.2 and Respondent No. 2 were married on 01.06.2005 according to the Hindu rites. They have one child born out of the wedlock. Due to irreconcilable differences, the parties were living separately from 17.02.2022. Subsequently, on 31.01.2023, the respondent No.2 lodged the FIR in question against the Petitioners.

2.1 Per FIR, Petitioner No. 2 (wife of respondent no. 2) is alleged to have been lured by Akash Gupta/petitioner no. 1, with whom she was allegedly involved in a romantic relationship. The petitioners are further accused of



involvement in the theft of gold jewelry, cash from the complainant's house.

3. Learned counsel for the petitioners submits that the parties have amicably settled their dispute arising out of matrimonial discord *vides* MOU/Settlement Deed dated 15.12.2024 and duly signed by both parties at New Delhi. The learned counsel further submits that the affidavit to the effect of no objection to quashing by respondent No.2 is also placed on record.

4. Both husband and wife are present in Court and I have interacted with them and it so appears that the parties have settled their differences without any duress and coercion and out of their free will.

5. On a court query put to the husband, he is very candid and firm that he does not wish to press any charges against his wife. He submits that the allegations made in the FIR were result of a misunderstanding at the relevant time. The accused is, no doubt, friend of his wife but subsequently both of them (husband and wife) have decided to amicably part ways and settled their differences without any duress and coercion.

6. It has been mutually decided that wife shall not demand any maintenance and/ or alimony and all the cross cases filed between the parties have also been withdrawn.

7. Pursuant to the settlement, it transpires that they have already filed a divorce petition under Section 13(B) of Hindu Marriage Act, 1955 for grant of decree of dissolution of marriage by mutual consent. First motion has already taken place vide order dated 31.01.2025. Further proceedings are now pending for second motion.

8. In view of the above, further proceedings in the present matter would be an abuse of process of law, especially where the parties have amicably



settled their dispute, which does not involve any public interest or interest of the society at large. In such circumstances, continuation of proceedings may result in hostility between the parties and defeat the very purpose of settlement.

9. In view of the aforesaid, no useful purpose would be served to continue with the criminal proceedings as it would be an exercise in futility. In any case, chances of conviction are almost negligible in view of respondent no. 2/complainant having decided not to press any charges against the accused/petitioners.

10. Thus, in the premise, in the larger interest of justice, invoking inherent powers vested with this Court under Section 528 BNSS. it is deemed expedient to quash the FIR in question arising out of matrimonial dispute between the private parties. Reference in this context may also be had to judgment rendered in the case of *Gian Singh Vs. State of Punjab & Anr. [(2012) 10 SCC 303]*.

11. Consequently, the instant petition is allowed. The criminal proceedings arising out of FIR no. 90/2023 dated 31.01.2023 under Sections 365, 380 IPC, registered at P.S. Jagat Puri, Shahdara, Delhi against the petitioners and further proceedings arising therefrom are hereby quashed.

12. All pending application(s), if any, shall also stand disposed of.

**ARUN MONGA, J**

**JULY 24, 2025**

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