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

+ CRL.M.C. 2225/2025

RAKESH KUMAR AND OTHERS

.....Petitioners

Through: Mr. Vijay Kumar Kandpal, Ms. Meenakshi Devi and Ms. Divya Pulani, Advocates along with petitioners in person.

versus

THE STATE GOVT. OF NCT OF DELHI AND ANR.

.....Respondents

Through: Mr. Ajay Vikram Singh, APP for the State with SI Annu, P.S. Neb Sarai. R-2 in person through Vc.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

28.04.2025

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1. This hearing has been done through hybrid mode.
2. The present petition under Section 528 of the BNSS seeks quashing of FIR No. 42/2012, under Sections 498A/406/34 of the IPC, registered at P.S. Neb Sarai and all other consequential proceedings emanating therefrom, including the chargesheet filed and pending before the Court of Ms. Shika Chahal, learned Judicial Magistrate First Class, South, Saket Courts, New Delhi.
3. The marriage between petitioner no.1/husband and respondent no.2/wife was solemnized on 14.07.2010 as per Hindu rites and ceremonies and no child was out of the said wedlock.
4. Due to matrimonial differences between the parties, respondent

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no.2/complainant lodged a complaint against the petitioners.

5. Learned counsel for the petitioner submits that the parties have arrived at a settlement in pursuance of the Settlement dated 15.03.2022 before Mediation Centre, Saket Courts, New Delhi. It is further stated that the parties have been living together, at their matrimonial home, since December 2016.

6. Petitioners and complainant/respondent No. 2 appear through video conferencing and have been duly identified by the Investigating Officer, S.I. SI Annu, P.S. Neb Sarai.

7. The matter was also placed before the learned Joint Registrar who has recorded the statements of both the parties and passed the following order dated 02.04.2025: -

“1. 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. 42/2012 Under Sections 498A/406/34 of the Indian Penal Code registered at P.S. Neb Sarai on the basis of settlement arrived at between the parties.

2. As per the submissions, the matter between the petitioners and R-2 has been amicably settled.

3. Vide separate statement recorded in this behalf, petitioners stated that dispute between them and R-2 has been amicably settled as per the settlement deed dated 15.03.2022. 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, R-2 stated that dispute between her and petitioners has been amicably settled as per the settlement deed dated 15.03.2022. 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.

4. 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. She identified the prosecutrix/victim/R-2. She

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has also identified the petitioners who are accused in the present matter. She has also verified the settlement deed executed between the parties.

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

6. 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.

7. 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.

8. In view of the above, matter be placed before the Hon'ble Court on 28.04.2025."

8. Complainant/respondent No.2 states that the matter has been settled and she is living with petitioner No. 1 since December 2016 at their matrimonial home and she has no objection if the FIR is quashed against the petitioners.

9. In view of the settlement between the parties, learned APP for the State also has no objection if the present FIR is quashed.

10. In *Gian Singh v. 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."



11. 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 No. 42/2012, under Sections 498A/406/34 of the IPC, registered at P.S. Neb Sarai and all other consequential proceedings emanating therefrom, including the chargesheet filed and pending before the Court of Ms. Shika Chahal, learned Judicial Magistrate First Class, South, Saket Courts, New Delhi.

12. In the interest of justice, the petition is allowed, and the FIR No. 42/2012, under Sections 498A/406/34 of the IPC, registered at P.S. Neb Sarai and all other consequential proceedings emanating therefrom, including the chargesheet filed and pending before the Court of Ms. Shika Chahal, learned Judicial Magistrate First Class, South, Saket Courts, New Delhi, is hereby quashed.

13. Petition is allowed and disposed of accordingly.

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

AMIT SHARMA, J

APRIL 28, 2025/bsr

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