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

+ CRL.M.C. 2266/2025 CRL.M.A. 10193/2025-EXMP.

NILESH AGARWAL & ORS.Petitioners

Through: Mr. Prabhakar Pandey, Adv. with
petitioners in person.

versus

STATE OF NCT OF DELHI & ANR.Respondents

Through: Mr. Digam Singh Dagar, APP for the
State.

SI Taniya, P.S. Khyala.

Mr. Ankur Singhal, Mr. Akash

Mourya & Ms. Pinky Bansal, Advs.
for R-2 alongwith R-2 in person.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

% **07.05.2025**

1. This hearing has been done through hybrid mode.
2. The present petition under Section 528 of the BNSS (Section 482 of the Cr.P.C.) seeks quashing of FIR No. 793/2022, under Sections 328/498A/406/34 of the IPC, registered at P.S. Khyala and all other consequential proceedings emanating therefrom, including the chargesheet pending before the Court of Ms. Ambika Singh, learned ASJ, West, Tis Hazari Courts, Delhi.
3. The marriage between the petitioner no.1/husband and the respondent no.2/wife was solemnized on 16.02.2021 as per Hindu Rites and Customs and

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no child was born out of the said wedlock.

4. Due to matrimonial differences between petitioner No. 1 and respondent no. 2, the parties resided separately. Subsequently, respondent no.2/complainant lodged an FIR against petitioner No. 1 (husband), petitioner No. 2 (father-in-law) and petitioner No. 3 (mother-in-law).

5. Learned counsel appearing on behalf of the petitioners submits that during the pendency of the proceedings, the latter has settled the matter with respondent no. 2 *vide* Settlement dated 04.05.2024 before Counselling Cell, Family Court, Tis Hazari Courts, and in pursuance of the same, respondent no. 2 has no objection, if the present FIR and the subsequent chargesheet are quashed.

6. Petitioners and complainant/respondent No. 2 are present before the Court and have been duly identified by their counsel as well as the Investigating Officer, SI Taniya, P.S. Khyala.

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 on 02.05.2025: -

“Ms. Deepika, Ld. Counsel for Respondent no. 2 through VC & Respondent no. 2 appeared in person and submits that the demand draft for a sum of Rs. 3,00,000/- bearing no. 199865, another for a sum of Rs. 1,00,000/- bearing no. 199864 & another for a sum of Rs. 3,00,000/- bearing No. 199866, all drawn on Himanchal Pradesh Gramin Bank, all dated 07.03.2025 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. 793/2022, Under Section 498- A/406/34 IPC, was registered at PS Khayala, 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 03.04.2025.

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Let the pre-verified statement along with this order be placed before the Hon'ble Court on 07th May, 2025."

8. The statement of respondent No.2 recorded on 03.04.2025 reads as follows: -

"I am the Respondent no. 2 in the present petition. At my instance, FIR No. 793/2022, Under Section 498-A/406/34 IPC, was registered at PS Khayala, Delhi. During the course of the investigation offence under Section 328 IPC was added and the charge sheet has been filed against the petitioners.

Now, I have voluntarily and without any pressure or coercion from anyone; and after obtaining due legal advice entered into settlement with the petitioner during counselling proceedings in the Court of Judge Family Court, Tis Hazari Courts, West District, Delhi dated 04.05.2024 which is on record as Annexure P-3 at page 90 - 93 to bearing my signatures.

As per the settlement, I have already received a' sum of Rs. 11,00,000/- as well as today I have received three demand drafts for a sum of Rs. 3,00,000/- bearing no. 199865, another for a sum of Rs. 1,00,000/- bearing no. 199864 & another for a sum of Rs. 3,00,000/- bearing No. 199866, all drawn on Himanchal Pradesh Gramin Bank, all dated 07.03.2025 today in the court.

Subject to realization of the three demand drafts handed over today, I will receive the total settlement amount of Rs. 18,00,000/- and subject to the honour of all the three demand drafts handed over today, I have no objections, if the FIR No. 793/2022, Under Section 498-A/406/328/34 IPG, registered at PS Khayala, Delhi and all proceedings emanating there from are quashed against all the petitioners.

This settlement amount is towards settlement of all my articles and Stridhan as well as towards my alimony and maintenance past, present and future whatsoever and I shall not claim anything in this regards in future by way of any litigation. I shall abide by all the terms of the settlement and . fully cooperate in quashing of the present FIR.

There is no child born out the wedlock.

As per the terms of the settlement, I have already withdrawn all other cases instituted by me against the petitioner. I further undertake to withdraw any other, case, if any remaining.

I have already obtained divorce by mutual consent from petitioner no. I in HMA No. 127/2025. The divorce decree dated 18.01.2025 is on

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record as Annexure P-4 at page 94-102.

Now, I have no objection whatsoever if the present FIR against the petitioners is quashed and I 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. I have also given my affidavit in support of the present petition which is at page no. 23-24 of the petition bearing my signatures.

This is my true statement being made voluntarily in the presence of my counsel and my mother namely Sh. Deepti Goyal. I fully understand the consequences of making this statement. This statement has been signed by me in the presence of my counsel & my mother after the 'same has been read over to me in Hindi.'"

9. 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 including the chargesheet are quashed.

10. 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."

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. 793/2022, under Sections 328/498A/406/34 of the IPC, registered at P.S. Khyala and all other consequential proceedings emanating therefrom, including the chargesheet pending before the Court of Ms. Ambika Singh, learned ASJ, West, Tis Hazari Courts, Delhi.

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12. In the interest of justice, the petition is allowed, and the FIR No. 793/2022, under Sections 328/498A/406/34 of the IPC, registered at P.S. Khyala and all other consequential proceedings emanating therefrom, including the chargesheet pending before the Court of Ms. Ambika Singh, learned ASJ, West, Tis Hazari Courts, Delhi, are hereby quashed.

13. Petition is allowed and disposed of accordingly.

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

AMIT SHARMA, J

MAY 7, 2025/nk

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