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

+ CRL.M.C. 2521/2025 & CRL.M.A. 11288/2025

NITIN MINOCHA & ORS.

.....Petitioners

Through: Ms. Anisha Arora & Mr. Rohit
Kumar, Advs. with petitioner no.1 in
person.

versus

STATE GOVT. OF NCT OF DELHI AND ANR.....Respondents

Through: Mr. Sanjeev Sabharwal, APP for the
State with Ms. Sharma, Adv.
SI Vikas Yadav, P.S. Rajouri Garden.
Mohd. Haroon & Mr. Ojawa Jha,
Advs. For R-2 with 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. 281/2022. under Sections 498A/406/34 of the IPC, registered at P.S. Rajouri Garden and all other consequential proceedings emanating therefrom, including the chargesheet pending before the Court of Ms. Akansha Gautam, learned Judicial Magistrate First Class, Mahila Court-04, Tis Hazari Courts, Delhi.
3. The marriage between the petitioner No.1/husband and respondent no.2/wife was solemnized on 12.06.2009 as per Hindu Rites and Customs and two children were born out of the said wedlock.
4. Due to matrimonial differences between petitioner No. 1 and respondent No. 2, the parties resided separately since May 2021. Subsequently, respondent no.2/complainant lodged an FIR against petitioner

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no. 1 (husband), petitioner no. 2 (mother-in-law) and petitioner no. 3 (father-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 09.12.2023 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. Learned counsel for the petitioners submits that petitioner Nos.2 and 3 are unwell and seeks exemption on their behalf from personal appearance.

6. Petitioner No.1 and complainant/respondent no. 2 are present before the Court and have been duly identified by the Investigating Officer SI Vikas Yadav, P.S. Rajouri Garden. On an oral request, petitioner Nos.2 and 3 are exempted from personal appearance. The parties have agreed to abide by their reciprocal obligations as agreed in the aforesaid settlement.

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 16.04.2025: -

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

Respondent no. 2 lodged FIR No. 281/2022, Under Section 498-A/406/34 IPG, registered at PS Rajouri Garden, Delhi. The charge sheet has been filed against the petitioners.

Respondent no. 2 states that she has voluntarily and without any pressure or coercion from anyone and after obtaining due legal advice settled all her issues and disputes with the petitioners and out of her free will have entered into settlement before counselling cell in the court of Sh. R.K. Tripathi, Ld. Judge Family Courts, Tis Hazari Courts, West District in GP No. 89/2022. The settlement is on record as Annexure P-3 at page 110 onwards bearing her signatures.

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Respondent no. 2 has voluntarily and amicably resolved all her issues and disputes with the petitioners without any monetary or any other consideration towards her maintenance, alimony or stridhan past, present or future, whatsoever.

Respondent no. 2 has no objections, if the FIR No. 281/2022, Under Section 498-A/406/34 IPG, registered at PS Rajouri Garden, Delhi and all proceedings emanating there from are quashed against all the petitioners.

Respondent no. 2 further states that she shall not claim anything in this regards to her maintenance, alimony and stridhan in future by way of any litigation. Respondent no. 2 shall abide by all the terms of the settlement and fully cooperate in quashing of the present FIR.

As per settlement, the custody of minor children namely Aaryan (Aged about 11 years) & Aaradhya (aged about 10 years) shall remain with Respondent no. 2 without any visitation rights to the petitioner or any of her family members or relatives. However, the settlement arrived at between the parties is without prejudice to the rights and interests of minor children.

Respondent no. 2 has already withdrawn all other cases instituted by me against the petitioner. Respondent no. 2 further states that she further undertakes to withdraw any other case, if any remaining.

Respondent no. 2 has already obtained divorce by mutual consent from petitioner no. 1 in HMA No. 2556/2024. The divorce decree dated 07.10.2024 is on record as Annexure P-4 at page 121.

Respondent no. 2 has no objection whatsoever if the present FIR against the petitioners 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. 20-21 of the petition bearing her signatures.

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

This pre verified report along with the petition may be placed before the Hon'ble Court on 07th May, 2025 alongwith the statements recorded today.

8. 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.

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9. 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.”

10. 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. 281/2022, under Sections 498A/406/34 of the IPC, registered at P.S. Rajouri Garden and all other consequential proceedings emanating therefrom, including the chargesheet pending before the Court of Ms. Akansha Gautam, learned Judicial Magistrate First Class, Mahila Court-04, Tis Hazari Courts, Delhi.

11. In the interest of justice, the petition is allowed, and the FIR No. 281/2022, under Sections 498A/406/34 of the IPC, registered at P.S. Rajouri Garden and all other consequential proceedings emanating therefrom, including the chargesheet pending before the Court of Ms. Akansha Gautam, learned Judicial Magistrate First Class, Mahila Court-04, Tis Hazari Courts, Delhi, are hereby quashed.

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

13. Petition is allowed and disposed of accordingly.

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

AMIT SHARMA, J

MAY 7, 2025/nk

Click here to check corrigendum, if any

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