



2025:DHC:4029



\$~118

* IN THE HIGH COURT OF DELHI AT NEW DELHI

%

Date of decision: 19.05.2025

+

W.P. (CRL) 1303/2025

MAHESH CHAND GUPTA & ORS.

.....Petitioners

Through: All petitioners present in person
with Ms. Priyanka Siwas, Mr.
Jai Subhash Thakur, Mr.
Kawalpreet Singh & Mr.
Manish, Advocates

versus

THE STATE & ANR.

... Respondents

Through: Mr. Sanjay Lao, Standing
Counsel for the State with SI
Satish Kumar, PS Raj Park
R-2is present through VC

CORAM:-**HON'BLE MR. JUSTICE RAVINDER DUDEJA****JUDGMENT (ORAL)****RAVINDER DUDEJA, J.**

1. This is a petition under Article 226 of the Constitution read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking quashing of FIR No. 0496/2023, dated 05.08.2023, registered at P.S Raj Park under sections 498A/406/34 IPC and all proceedings emanating therefrom on the basis of settlement between the parties.

2. The marriage between Petitioner No.1 and Respondent No.2 was solemnized on 21.04.2022 as per Hindu rites and ceremonies at Delhi. A girl namely Shivanshi was born on 05.02.2023 out of the said



wedlock. It is submitted that due to temperamental differences, the couple started living separately. Thereafter, Respondent No.2 filed the following cases against the Petitioners:-

- i. Complaint case bearing no. Ct. case 6748/2023 under section 12 of the DV Act
- ii. Execution petition bearing No. Ex Crl 149/2024 in the aforesaid DV case,
- iii. Petition under section 125 Cr.P.C. for maintenance
- iv. FIR No. 0496/2023, dated 05.08.2023, registered at P.S Raj Park under sections 498A/406/34 IPC against Petitioner No. 1 and his family members.

The Petitioners also filed the following cases against the Respondent no.2:-

- i. Complaint case bearing no. Ct. Case 13729/2023
 - ii. Another Complaint case bearing no. Ct. Case 23361/2023
 - iii. A writ petition bearing Crl. No. 1656/2024
3. During the proceedings, the parties amicably resolved their disputes and executed a Memorandum of Understanding/Settlement Deed dated 04.11.2024. 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, North-west, Rohini Courts allowed the mutual divorce petition on 15.01.2025, thereby dissolving the marriage between the Petitioner



No.1 and Respondent No.2. It is submitted that all the previous complaints and litigations initiated by the parties has been withdrawn and all conditions of the Settlement have been fulfilled as per the schedule mentioned in the Settlement Deed. The copy of Memorandum of Understanding/Settlement Deed dated 04.11.2024 has been placed on record as Annexure P-2.

4. The matter was placed before the Joint Registrar, who has recorded the statements of both the parties and passed the following orders:-

“24.04.2025

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. 496/2023 Under Sections 498A/406/34 of the Indian Penal Code registered at P.S. Raj Park 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 04.11.2024. 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, R-2 stated that dispute between R-2 and petitioners has been amicably settled as per deed dated 04.11.2024. The settlement has been arrived at between the parties herein without any force, coercion, undue influence and pressure. The settlement deed has been signed with wish and will.
4. Investigating Officer is present in Court and has duly verified the identity of both the parties. Separate statement of Investigating Officer has also been recorded.



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 undue influence or pressure.

8. In view of the above, matter be placed before the Hon'ble Court on 19.05.2025.

5. Petitioner No. 1 to 3 are physically present before the Court with counsel while respondent No 2 has entered appearance through VC. They have been identified by their respective counsels as well as by the Investigating Officer SI Satish Kumar, from PS Raj Park.

6. Respondent No.2 confirms that the matter has been settled with the petitioners without any force, fear, coercion and she no objection regarding the terms and conditions as mentioned in the Memorandum of Understanding/Settlement Deed dated 04.11.2024. She further submits that she has no objection if the FIR No. 0496/2023 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. 0496/2023 is quashed.



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. 0496/2023, dated 05.08.2023, registered at P.S Raj Park 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 FIR No. 0496/2023, dated 05.08.2023, registered at P.S Raj Park under sections 498A/406/34 IPC 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

MAY 19, 2025/AK