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

+ **CRL.M.C. 3183/2025**

SH UPENDER SAINI AND ORS

.....Petitioners

Through: Ms. Shalini Gupta, Adv. along with
petitioners in person.

versus

STATE NCT OF DELHI AND ANR

.....Respondents

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

SI Ali Akram, PS Wazirabad.

Mr. Arun Sharma, Adv. For the
complainant/R-2. Along with R-2 in
person.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

% **27.05.2025**

1. This hearing has been done through hybrid mode.

CRL.M.A. 13981/2025 (Exemption)

2. Allowed, subject to all just exceptions. The application is disposed of.

CRL.M.C. 3183/2025

3. The present petition filed under Section 528 of the BNSS seeks quashing of the FIR No. 0261/2023, under Sections 498A/406/34 of the IPC, registered at P.S. Wazirabad, Delhi.

4. The marriage between petitioner no.1/husband and respondent no.2/wife was solemnized on 26.04.2021 as per Hindu rites and ceremonies and no child was born out of the said wedlock.

5. Due to matrimonial differences between petitioner no. 1 and respondent



no. 2, the parties started residing separately from the year 2021. Subsequently, respondent no.2/complainant lodged an FIR against petitioner no.1 (husband) and petitioner no. 2 (father-in-law), petitioner no. 3 (mother-in-law), and petitioner no. 4 (sister-in-law).

6. On 20.04.2024, at Delhi Mediation Centre, Tis Hazari Courts, petitioner no. 1 and respondent no.2 have arrived *vide* Memorandum of Settlement and as per the said settlement deed, petitioner no.1 has agreed to pay an amount of Rs.7,00,000/- along with the articles belonging to respondent no.2/wife towards full and final settlement of all her claims including dowry items, *istridhan*, permanent alimony and maintenance - present, past and future. The copy of the aforesaid settlement deed dated 20.04.2024 has been placed on record as Annexure -A.

7. In terms of the said settlement, the marriage between the petitioner no.1 and respondent no.2 stands dissolved by a decree of divorce.

8. The matter was also placed before the learned Joint Registrar who has recorded the statements of Respondent no.2 and passed the following order on 22.05.2025: -

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 has been identified by his counsel.

Petitioner is directed to file the second motion of the divorce proceedings as well as decree sheet on record by the next date of hearing before the Hon'ble Court. Let this pre-verified statement along with this order be placed before the Hon'ble Court on 27th May, 2025.

9. The matter was placed before the learned Joint Registrar who has recorded the statements of Respondent no. 2 on 22.05.2025 which read as



under: -

“1. I am respondent no. 2 in the present petition. I registered FIR No. 0261/2023, Under Section 498-A/406/34 IPC, at PS Wazirabad, Delhi against the petitioners. The charge sheet has not been filed against the petitioners till date.

2. Now, I have voluntarily without any pressure or coercion from anyone and with the intervention of friends and colleagues and after obtaining due legal advice entered into mediation settlement dated 20.04.2024 with the petitioners and have settled all my issues, disputes and grievances. The mediation settlement is on record as Annexure B at page no. 33 onwards bearing my signatures.

3. As per the settlement, I have already received a sum of Rs. 4,00,000/- as well as today I have received a demand draft for a sum of Rs. 3,00,000/- bearing no. 004064, drawn on HDFC Bank, dated 15.03.2025 today in the court. Subject to realization of the demand draft handed over today, I will receive the total settlement amount of Rs. 7,00,000/- and subject to the honour of demand draft handed over today, I have no objections, if the FIR No. 0261/2023, Under Section 498-A/406/34 IPG, at PS Wazirabad, Delhi and all proceedings emanating there from are quashed against all the petitioners.

4. 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 undertake to remain bound in terms of the settlement.

5. There is no child born out of the wedlock. 6. I have already obtained divorce from petitioner no. 1. However the copy of the divorce proceedings and the divorce decree are not on record.

6. I have already re-married after obtaining divorce from petitioner no. 1.

7. My affidavit of NOC for quashing of abovesaid FIR is on record at page 25 onwards bearing my signatures. I have no objection if above mentioned FIR and all proceedings emanating therefrom are quashed qua all the petitioners.

8. This is my true statement being made voluntarily in the presence of my counsel. I have signed this statement after the same has been read over to me in Hindi and I have understood it.”

10. Petitioner Nos. 1 to 4 and complainant/respondent no. 2 have appeared



in person before the Court and have been duly identified by their respective counsels, as well as the Investigating Officer, SI Ali Akram, PS Wazirabad.

11. Complainant/respondent No.2 states that the matter has been settled with the petitioners and she has no objection if the FIR is quashed. She further states that all the terms of the agreement have been complied with.

12. In view of the settlement between the parties, learned APP for the State submits that the investigation in the present FIR is pending and chargesheet is yet to be filed, however, in view of the settlement between the parties, he has no objection if the present FIR is quashed.

13. In *Gian Singh v. 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.”

14. 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. 0261/2023, under Sections 498A/406/34 of the IPC, registered at P.S. Wazirabad, Delhi.

15. In the interest of justice, the petition is allowed, and FIR No. 0261/2023, under Sections 498A/406/34 of the IPC, registered at P.S. Wazirabad, Delhi, is hereby quashed.

16. Petition is allowed and disposed of accordingly.



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

AMIT SHARMA, J

MAY 27, 2025/kr

Click here to check corrigendum, if any