



2025:DHC:4062



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

Date of Decision: 19.05.2025

+ CRL.M.C. 3240/2025

PRASHANT GATTANI ALIAS GIRDHAR GATTANI AND

ORS

.....Petitioners

Through: Ms. Jagrati Singh and Mr.
Rajpal, Advs. along with
petitioner nos. 3, 4 & 5.

versus

THE STATE OF NCT OF DELHI AND ANR.

.....Respondents

Through: Ms. Meenakshi Dahiya, APP
for State with SI Harish, PS
Paschim Vihar.
Mr. Rahul Dagar, Adv. for R-2
along with R-2.

CORAM:

HON'BLE MS. JUSTICE SHALINDER KAUR

SHALINDER KAUR, J (ORAL)

1. The present petition has been filed by the petitioners under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking to quash the FIR bearing No. 652/2014 dated 27.08.2014 registered for offence under Sections 498A/406/34 of the Indian Penal Code, 1860, registered at Police Station Paschim Vihar ('Subject FIR'), and all consequential proceedings arising therefrom.



2025:DHC:4062



2. The learned counsel for the petitioners that the respondent no.2 is the wife of the deceased Prashant Gattani and their marriage was solemnized on 23.02.2008, in accordance with the Hindu rites and customs at Jaipur, Rajasthan. The petitioner no. 1, petitioner no. 2 and petitioner no. 3 are brother-in-law, mother-in-law and maternal uncle, respectively, of the respondent no. 2.

3. She submits that certain misunderstandings that arose between the parties, coupled with the demands of dowry and increasing harassment, led to the registration of the subject FIR. The marriage suffered an irretrievable breakdown, attributable to the temperamental incompatibility between the deceased Prashant Ghattani and respondent no.2 and their marriage has been dissolved *vide* the decree dated 15.12.2015.

4. The learned counsel submits that during the pendency of litigation the parties were referred to mediation. The remaining petitioners and respondent no.2 have amicably resolved their disputes, resulting in a settlement agreement dated 13.09.2012 before the Delhi Mediation Centre. In terms of the said agreement, it was mutually decided that respondent no.2 and her husband would seek dissolution of their marriage by a decree of divorce by mutual consent, eschewing all allegations and counter-allegations, in accordance with law.

5. It was further agreed that petitioners would pay Rs. 1,00,000/- to the respondent no. 2 towards full and final settlement final settlement of all her claims, towards maintenance (past, present and future), *stridhan*, dowry articles, jewellery, permanent alimony, etc.



2025:DHC:4062



6. In pursuance of the said settlement, the parties moved Mutual Divorce petition under Sections 13B(2) of the Hindu Marriage Act before the learned Principal Judge, Family Court, West District, Tis Hazari Courts, Delhi, which came to be allowed on 15.12.2015 and no appeal is stated to have been filed impugning the divorce decree.

7. It is also submitted that during the pendency of litigation emanating from the Subject FIR; the petitioner no. 2 has expired on 10.03.2018 and later the husband of the respondent no. 2 expired on 05.05.2021.

8. Subsequent thereto, the statements of the parties were recorded by the learned Joint Registrar (Judicial) on 08.05.2025, where both parties were duly identified by the Investigating Officer. In her statement, respondent no.2 stated that she has received the entire settlement amount and she has no objection if the subject FIR and the proceedings emanating therefrom are quashed.

9. Before this Court, the petitioner nos. 3, 4 & 5 as well as respondent no.2 are present-in-person and they have also been identified by their respective counsel. The parties have confirmed that no child was born from the wed-lock.

10. The respondent no. 2, who is present in court, upon being queried, confirms that she entered into the said Settlement Deed out of her free will, without any coercion, force or undue influence and that she has withdrawn the litigations filed by her before different Judicial for and no other litigation remains pending between the partes. She submits that she has received the entire settlement amount of Rs.1,00,000/-, as a full and final settlement of all her claims and the



2025:DHC:4062



parties are abiding by the terms of settlement. The said settlement amount was paid to the respondent no. 2 *vide* a cheque bearing no. 028269 dated 30.09.2012 drawn on ICICI Bank, S. P. Marg Branch, Jaipur by the petitioners on the day of settlement i.e. 13.09.2012 and the said cheque has already been encashed by the respondent no. 2. She submits that the marriage has been dissolved *vide* the decree dated 15.12.2015. Furthermore, there is no litigation pending between the parties and she has no objection if the subject FIR is quashed.

11. In light of the above, learned counsel for the parties jointly submit that the subject FIR, along with all proceedings emanating therefrom, be quashed.

12. The learned APP appearing for the state confirms that the State has no objection to the subject FIR being quashed.

13. In these circumstances, and having regard to the principles laid down by the Supreme Court in ***Gian Singh vs. State of Punjab & Anr.***: (2012) 10 SCC 303 and ***Narinder Singh & Ors. vs. State of Punjab & Anr.***: (2014) 6 SCC 466, and in view of the fact that the parties have amicably resolved their disputes voluntarily and without any coercion, this Court is of the considered opinion that no useful purpose would be served by continuing with the criminal proceedings. On the contrary, such continuation is likely to foster further animosity between the parties. Accordingly, in the interest of justice, the subject FIR and all proceedings emanating therefrom deserve to be quashed.

14. In conspectus of the facts and settlement agreement dated 13.09.2012, the subject FIR bearing No. 652/2014 dated 27.08.2014 registered for offence under Sections 498A/406/34 of the Indian Penal



2025:DHC:4062



Code, 1860 at Police Station Paschim Vihar and all consequential proceedings emanating therefrom are quashed.

15. Accordingly, the petition stands disposed of.

SHALINDER KAUR, J

MAY 19, 2025/ss/kp

Click here to check corrigendum, if any