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

+ **W.P.(CRL) 1573/2024 & CRL.M.A. 3707-3708/2025**

MEENA SURESH AGARWAL & ORS.Petitioners

Through: Mr. Pranaynath Jha, Mr. Y.K. Singh,
Mr. Rohit Tulpule Advocates
(through VC)

versus

THE STATE (GOVT. OF NCT OF DELHI) & ANR.

.....Respondents

Through: Mr. Anand V. Khatri, ASC for State
with SI Manish Phogat, PS Mehrauli.
Mr. Prashant Mendiratta, Ms. Tanya
Bhutani, Advocates for R-2.

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% 06.02.2025

CRL.M.A. 3708/2025(for exemption)

1. Exemption allowed, subject to all just exceptions.
2. Application stands disposed of.

CRL.M.A. 3707/2025(application under section 528 BNSS seeking modification of order dated 20.01.2025)

3. This is an application filed by Respondent no. 2 seeking modification of order dated 20.01.2025 disposing of the writ petition filed under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure 1973 seeking quashing of the FIR bearing no. 187/2023 registered at P.S. Mehrauli, Delhi for offences punishable under Sections 498A/406/34 of Indian Penal Code, 1860 ("IPC") and the proceedings arising out of the said FIR.



4. Learned counsel for the Applicant/Respondent no. 2 states that some factual errors have occurred in the said Order and require correction so as to accurately reflect the proceedings dated 20.01.2025 as well as grant effective relief of quashing. He states that facts which have been omitted from the order dated 20.01.2025 and need to be incorporated have been set out at paragraph 7 and 8 of this application which reads as under: -

7. That in fact what was orally dictated by this Hon'ble Court in open Court was only three-fold as follows: -

(i). The Respondent No.2 is present through VC. She was identified by the IO and she gave No Objection to the quashing of the FIR provided clause 2A and 2B of the Settlement/ Agreement dated 18.01.2024 are complied with by the Petitioners.

(ii). The Petitioners who were present through VC, gave an undertaking through their counsel that they shall comply with Clause 2A and 2B within six weeks of the quashing of the said FIR bearing No. 187/2023, P.S. Mehrauli, New Delhi.

(iii). The FIR bearing No.187/2023, P.S. Mehrauli, New Delhi under Section 498A/406/34 IPC was quashed. This Hon'ble Court was pleased to accept the undertaking and ordered quashing of the FIR subject to Petitioners complying with the said undertaking.

8. That, the parties had mutually agreed that Clause 2A and 2B of the Settlement Agreement dated 18.01.2024 would be complied with pursuant to the quashing of the instant FIR. It is submitted that the parties had apprised this Hon'ble Court of the same on the last date of hearing i.e. 20.01.2025 and requested for the same to be recorded in the order dated 20.01.2025. However, the said submissions were not recorded due to an inadvertent omission.

5. Issue notice. Learned counsel for the non-applicant/Petitioners accepts notice.

6. He states that he consents to the relief sought by Respondent no. 2 in the application. He states, in addition that in the operative paragraph 6 with reference to subject FIR number is incorrect. He states that facts recorded at paragraphs 3, 4 and 5 are also inaccurate and do not pertain to the facts of the case. He states that the Petitioners confirm that they will comply with



clauses 2 A and 2 B of the Settlement Agreement within six (6) weeks reckoned with effect from 20.01.2025.

7. The statement of the Petitioners is taken on record and he is bound down to the same.

8. The effect of the submissions of the Petitioner and Respondent no. 2 would effectively require recasting paragraphs 3 to 6 of the order dated 20.01.2025.

9. Accordingly with the consent of the parties the order dated 20.01.2025 is modified in the following terms.

10. The captioned writ petition W.P.(CRL) 1573/2024 filed under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 ("Cr.P.C.") seeks quashing of FIR bearing no. 187/2023 registered at Police Station Mehrauli, Delhi for offences punishable under Sections 498A/406/34 of Indian Penal Code, 1860 ("IPC") and the proceedings arising out of the said FIR.

11. The subject FIR has been filed on the complaint of the Respondent No. 2.

12. It is the case of the Petitioners that parties have settled all their disputes in the terms of the Settlement Agreement dated 18.01.2024, which has been filed as Annexure P-2 to the petition.

13. As per the aforesaid Settlement Agreement, it has been agreed that the Complainant i.e., Respondent no. 2 herein will withdraw all the complaints/FIR and legal suits filed by her against the Petitioners herein, and similarly the Petitioners shall withdraw all complaints/FIR and legal suits filed against the Respondent no. 2, at the Courts in Pune.

14. The Petitioner nos. 1 to 4 have joined the proceedings through VC link and have been identified by their counsel and by the Investigation



Officer ('IO').

15. The Respondent No. 2 has also joined the proceedings through VC link and has been identified by her counsel and by the IO.

16. Learned counsel for the Respondent No. 2 states that Respondent No. 2 does not dispute the execution of the Settlement Agreement dated 18.01.2024 and the affidavit dated 06.05.2024 filed in support of the present petition recording her no objection. He states that the FIR no. 187/2023 registered at PS Mehrauli may be quashed by this Court subject to Petitioners duly complying with their obligations assumed under clause 2A and 2B of the aforesaid Settlement Agreement, within the timeline stipulated under the agreement.

17. Learned counsel for the Petitioners states that compliance will be made within a period of six (6) weeks.

18. The parties are bound down to their statement.

19. Considering the above settlement between the parties and the chances of conviction of the Petitioners being remote and bleak, there is no purpose continuing with the proceedings arising from the present FIR as it would be a misuse of the process of the Court and an unnecessary burden of the State exchequer. Hence, it would be in the interest of justice to quash the aforementioned FIR and the proceedings pursuant thereto.

20. Consequently, the FIR bearing no. 187/2023 registered at PS Mehrauli, Delhi for offences punishable under Sections 498A/406/34 of IPC and the proceedings pursuant thereto are quashed subject to due compliance of the Clause 2A and 2B of the Settlement Agreement dated 18.01.2024 by the Petitioners.

21. The W.P.(CRL) 1573/2024 stands disposed of along with all pending applications.



22. It is directed that paragraphs 10 to 21 of this order shall supersede paragraphs 3 to 6 of the order dated 20.01.2025. Moreover, the quashing of the subject FIR no. 187/2023 will be effective from 20.01.2025.

23. With the aforesaid observations, the captioned application stands allowed.

24. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of order shall be insisted by any authority/entity or litigant.

MANMEET PRITAM SINGH ARORA, J
FEBRUARY 6, 2025/mt/AKT

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