



2025:DHC:4645



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of decision: 29.05.2025

+ CRL.M.C. 3647/2025 & CRL.M.A. 16028/2025 (exemption)
SANDEEP SAWHNEY AND ORSPetitioners

Through: Mr. Rahul Ranjan Verma, Adv.
Petitioners no.1 to 3 through
VC.

versus

THE STATE GOVT OF NCT OF DELHI
AND ANR

...Respondents

Through: Mr. Hitesh Vali, APP for the
State with SI Nishi, PS-GK-I.
Mr. Nirbhay Shankar Tiwari,
Adv. for R2 along with R2 in
person.

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

1. This is a petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking quashing of FIR No. 0040/2023, dated 16.03.2023, registered at P.S Greater Kailash under sections 498A/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 07.10.2000 as per Hindu rites and ceremonies at Delhi. No child was born out of the said wedlock. Due to temperamental



differences, the couple has been living separately since July, 2012. Thereafter, Respondent No.2 filed the following cases against the Petitioner No.1:

- i. a petition under section 12 of the DV Act
- ii. a maintenance petition under section 125 Cr.P.C.
- iii. Divorce Petition under Section 13(1)(ia)(ib) of Hindu Marriage Act, 1956
- iv. FIR No. 0040/2023 under sections 498A/34 IPC against Petitioner No. 1 and his family members.

The charge sheet was filed under sections 498A/406/34 IPC.

3. It is submitted that the Petitioner No.1 renounced the world and gave himself in the service of spiritual master and resides in New Zealand. The Petitioner No.1 has executed a special Power of Attorney dated 29.04.2025 in favour of his brother Mr. Sameer Sawhney (Petitioner No.2) and mother Mrs. Veena Sawhney (Petitioner No.3) to execute a MoU/Settlement Deed on his behalf and file quashing proceedings.

4. During the proceedings, the parties amicably resolved their disputes and executed a MoU/Settlement Deed dated 05.05.2025. In pursuance of the Settlement, the parties jointly filed a fresh petition for first motion of divorce by mutual consent under Section 13B(1) of the Hindu Marriage Act, 1955. The copy of the first motion is annexed as Annexure P-4. It is submitted that all the previous complaints and



litigations initiated by the parties has been withdrawn. As per the Settlement Agreement, the Petitioners are liable to pay the total settlement amount of Rs.22,00,000/- (Rupees twenty two lacs) to the Respondent No.2 as per the schedule mentioned in the Settlement Deed. The copy of MoU/Settlement Deed dated 05.05.2025 has been placed on record as Annexure P-3.

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

“22.05.2025

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. 40/2023 Under Sections 498A/34 of the Indian Penal Code registered at P.S. GREATER KAILASH 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. P-1 is appearing through virtual mode and vide separate submission P-1 stated that matter has been amicably settled.

3. Vide separate statement recorded in this behalf, P-2 and 3 stated that dispute between petitioners and R-2 has been amicably settled as per the settlement deed dated 05.05.2025. 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 the settlement deed dated 05.05.2025. 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 under undue influence or pressure.

8. In view of the above, matter be placed before the Hon'ble Court on 29.05.2025.

6. Respondent no.2 is physically present before the Court while Petitioners no.1 to 3 have entered their appearance through VC. They have been identified by their respective counsels as well as by the Investigating Officer SI Nishi, from PS-GK-I.

7. Respondent no.2 confirms having received an amount of Rs.50,000/- at the time of execution of the MoU dated 05.05.2025. She accepts having received an amount of Rs.5,00,000/- on 19.05.2025 upon passing an order of acceptance of first motion of petition for divorce by mutual consent. She confirms that she has received bank draft of Rs.5,00,000/- today from the petitioner. She agrees to accept balance amount of Rs.11, 50,000/- upon passing of an order of acceptance of second motion of petition for divorce by mutual consent. Petitioner no.1 undertakes to make balance payment of Rs.11,



50,000/- to the respondent no.2, upon passing of an order of acceptance of second motion of petition for divorce by mutual consent. Both parties have undertaken to cooperate with each-other for filing second motion before the Court.

8. In view of the settlement between the parties, learned Additional PP appearing for the State, also has no objection if the present FIR No. 0040/2023 is quashed.

9. 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."

10. 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. 0040/2023, dated 16.03.2023, registered at P.S Greater Kailash under sections 498A/34 IPC and all the other consequential proceeding emanating therefrom.



2025:DHC:4645



11. In the interest of justice, the petition is allowed, and FIR No. 0040/2023, dated 16.03.2023, registered at P.S Greater Kailash under sections 498A/34 IPC and all the other consequential proceeding emanating therefrom is hereby quashed.

12. Petition is allowed and disposed of accordingly.

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

RAVINDER DUDEJA, J

MAY 29, 2025/AK



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