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

+ CRL.M.C. 5317/2025

MOHD. NOMAN & ORS.

.....Petitioners

Through: Mr. K.B. Shankar, Mr. Aaftab Husain
Masoodi, Mr. Abhilash Bhutani,
Mr. Jeetu Singh, Mr. Abbas Husain,
Mr. Chandan Kumar, Advocates with
petitioners in person.

versus

STATE NCT OF DELHI AND ANR

.....Respondents

Through: Mr. Digam Singh Dagar, APP for the
State with SI Murari Lal, PS – Okhla.
Respondent no. 2 in person.

CORAM:

HON'BLE MR. JUSTICE ARUN MONGA

ORDER

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06.08.2025

1. The petitioner herein seeks quashing of FIR No. 539/2018 dated 29.12.2018 registered at Police Station Fatehpur Beri, for alleged offences punishable under Sections 498A/406/34 IPC, along with all consequential proceedings emanating thereof, on the basis of a compromise between the parties.
2. Dispute arose from the matrimonial discord between Petitioner no.1 (Husband) and Respondent no.2 (Wife) stated to be caused by the irreconcilable temperamental differences between them. The couple solemnized their married on 19.06.2011. One child is also born out of the



wedlock (on 20.03.2014). Due to differences and disputes between the petitioner No. 1 and respondent No.2, they started residing separately from each other from 14.08.2018, leading to the impugned FIR.

3. Petitioner no. 2 and petitioner no. 3 are the parents of Petitioner 1. Petitioners 4 and 5 are his sisters.

4. The matter was referred to Mediation Centre, Saket Courts, where the parties settled the matter amicably by entering into a settlement agreement dated 11.09.2024. Thereafter, the Petitioner 1 and Respondent 2 have also obtained divorce by mutual consent from the Family Court, Saket, Delhi vide order dated 06.05.2025.

5. In the aforesaid backdrop, I have heard the rival contentions and also interacted with the complainant in person.

6. On a Court query put to the complainant, she candidly submits that she has arrived at mutual settlement on her own volition without any duress or coercion. Moreover, she states that the petitioner No.1/ husband has complied with the terms of the settlement to her satisfaction, and nothing remains payable to her. She also states that as a part of the settlement deed, the Petitioner and her have also dissolved their marriage. It has been mutually decided that the custody of the minor shall remain exclusively with the mother.

7. Qua the petitioners no. 2 to 5 who are stated to be parents and siblings of petitioner, she states that she wishes to withdraw all her charges against them as well in light of the settlement *ibid*.

8. Having heard the counsels and interacted with the complainant and given that the dispute seems to be an entirely family matter not involving either public interest or any societal interest, it would be an exercise in futility to



continue with the further criminal proceedings. The same would be nothing but abuse of the process of law apart from the burden on the judicial system as well as wasteful expenditure of the public by the prosecution.

9. Whereas, quashing the FIR would facilitate the parties in maintaining or restoring cordiality, especially parenting the minor child born out of the wedlock. The child's well-being would be better preserved in an environment where the parents are not embroiled in ongoing legal disputes. Reference may be had to judgment rendered in ***Gian Singh v. State of Punjab & Anr.***¹ in this context.

10. Accordingly, in the interest of justice, and exercising the inherent powers under Section 528 of BNSS, it is therefore deemed appropriate to quash the FIR arising from this matrimonial dispute.

11. The petition is allowed, and the FIR No. 539/2018 dated 29.12.2018 registered at Police Station Fatehpur Beri, for the offences punishable under Sections 498A/406/34 IPC, along with all consequential proceedings arising there from are hereby quashed.

12. The petition stands disposed of.

ARUN MONGA, J

AUGUST 6, 2025/kd/rs

¹ (2012) 10 SCC 303