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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 5431/2025**

SURAJ BISHT & ORS.Petitioners
Through: Mr. Pardeep Sharma, Advocate

versus

STATE OF THE NCT OF DELHI & ANR.Respondents
Through: Ms.Priyanka Dalal, APP with SI Ekta,
PS Dwarka Sector 23
Mr.Anil, Advocate for R-2 with R-2
in person (Through VC).

CORAM:
HON'BLE MR. JUSTICE ARUN MONGA

ORDER

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11.08.2025

1. Petitioners herein seek quashing of an FIR No. 234/2021 dated 19.06.2021 for the alleged offences under Sections 498A, 406 IPC, registered at P.S. Dwarka, Sector 23, Delhi, along with all the proceedings arising therefrom, on the basis of the compromise between the parties.
2. Dispute between the parties arose from the matrimonial discord between Petitioner no.1 (Husband) and Respondent no.2 (Wife) stated to be caused by temperamental differences between them. The couple got married on 27.09.2009 according to Hindu rites, however, they are living separately since 10.03.2021. One child is also born out of the wedlock, presently in the care and custody of the mother (Respondent no.2).
- 2.1 Subsequently, on the basis of the complaint of Respondent no.2, the aforesaid FIR was registered against all the petitioners.
- 2.2 Petitioner No.2 is the mother of petitioner No.1, while Petitioner No.3



is the sister of Petitioner No.1.

3. Learned counsel for the petitioners submits that during the pendency of the said proceedings, the parties were referred to the Mediation Centre, Dwarka, Delhi. Pursuant thereto, the parties, of their own volition and without any coercion or undue influence, amicably resolved their disputes by way of a settlement dated 28.03.2025, whereby a sum of ₹60,00,000/- was agreed to be paid.

3.1 Learned counsel further submits that, in terms of the MoU, Petitioner No.1 has already paid ₹40,00,000/- to Respondent No.2 at the time of proceedings under Sections 13(b)(i) and 13(b)(ii) of the Hindu Marriage Act, 1955, and the balance sum of ₹20,00,000/- is to be paid at the stage of quashing of the FIR.

3.2 During the course of today's proceedings, a demand draft of ₹20,00,000/- has been handed over to learned counsel for the complainant, who has appeared through VC, to be delivered to Respondent No.2/complainant.

3.3 Learned counsel also submits that pursuant to the settlement, the parties have already obtained a decree of divorce by mutual consent dated 09.06.2025 from the competent Family Court.

4. Learned Counsel for the Respondent no.2 and the learned APP for the State concur with the factum of the compromise arrived at between the parties and convey their no objection to the quashing of the FIR.

5. The petitioners are present in the Court, and the respondent No.2 has appeared through VC. The parties have been duly identified by their respective counsel and the concerned Investigating Officer. I have interacted with the respondent No.2 complainant, who, on a specific query posed to her



qua the settlement, submits that she has amicably settled all her disputes amicably out of her own volition and without any duress, pressure or coercion from any quarter and therefore she does not wish to press any charges against the petitioner No.1 (Ex. Husband) and the petitioner Nos. 2 and 3 stated to be the mother-in-law and the sister-in-law.

5.1 She submits that pursuant to the settlement the marriage between her and petitioner No.1 has also been dissolved vide a decree of divorce through mutual consent dated 09.06.2025 of the competent Court at Delhi. On a further query posed with respect to the custody of minor child, the respondent No.2 would submit that she has the exclusive custody of the minor.

5.2 However, she would submit that there are certain items which in terms of money value may not be much, but since they belong to her minor son, who is in her custody, she insists that those items be returned to her son including some of his clothes and toys etc. Likewise, she further submits that some of her personal belongings including her clothes are also lying at her matrimonial home and the petitioners may be asked to return the same.

5.3 Though there is no mention of these items in settlement deed dated 28.03.2025, however, it is expected that learned counsel for the petitioners shall use his good offices to facilitate their return. Learned counsel for the complainant shall provide a list of the said items, and the petitioners' counsel shall ensure that the same are traced and handed over to him, whereafter the complainant may collect them from his office.

6 In the aforesaid backdrop, I have heard learned counsel for the petitioners and respondent No.2 as well as perused the material available on record.



7 Given that the dispute has been resolved, continuing with criminal proceedings may serve no useful purpose. It would be a drain on judicial resources and abuse of the process of law, especially when dispute does not involve any public interest or interest of the society at large. Continuation of the proceedings, on the other hand, may result in hostility between the parties and defeat the very purpose of the settlement.

8 Quashing of the FIR would rather facilitate the parties in maintaining or restoring cordiality. Therefore, the proceedings deserve to be quashed in the exercise of the inherent powers of the Court. Reference may be had to the judgement rendered in ***Gian Singh v. State of Punjab & Anr. [(2012) 10 SCC 303]*** in this context.

9 Accordingly, exercising the inherent powers vested in this Court under Section 528 of BNSS, it is therefore deemed appropriate to quash the FIR arising from this matrimonial dispute.

10 Consequently, the instant petition is allowed. FIR No. 234/2021 dated 19.06.2021 under Sections 498A, 406 IPC, registered at P.S. Dwarka, Sector 23, Delhi and the criminal proceedings arising there from are hereby quashed.

11 All pending application(s), if any, shall also stand disposed of.

ARUN MONGA, J

AUGUST 11, 2025
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