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

+ **W.P.(CRL) 2833/2024**

CHANDAN MISTRI AND OTHERS

.....Petitioners

Through: Mr. Faiz Imam, Advocate

versus

STATE OF N.C.T. OF DELHI AND ANOTHER

.....Respondents

Through: Mr. Amol Sinha, ASC for State with
Mr. Kshitiz Garg, Advocate along
with SI Ravi Prakash, PS: Neb Sarai
Mr. Mahavir Singh, Advocate along
with Respondents in person

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **06.02.2025**

1. The present petition has been filed under Article 226 of the Constitution of India read with Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') seeking quashing of impugned FIR No. 0443/2020 dated 05.10.2020 under Sections 498A/406/34 of the Indian Penal Code, 1860 ('IPC') registered at P.S. Neb Sarai.

2. The subject FIR has been filed on the complaint of the Respondent No. 2 arising out of the matrimonial disputes between the Petitioner No. 1 and Respondent No. 2. It is the case of the Petitioners that the parties have settled all their disputes before the Rashtriya Lok Adalat and executed a settlement agreement dated 12.12.2020 ('Settlement Agreement'). As per the terms of the settlement, a sum of Rs. 4,00,000/- was payable to the Respondent No. 2 towards the permanent alimony.



3. Learned counsel for the Petitioners states that parties have duly performed their obligations under the said settlement. He states that the decree of divorce by mutual consent has also been passed on 05.01.2021. He states that a sum of Rs. 2 lakhs have been paid to Respondent No. 2 at the time of the dissolution of the marriage by divorce; and remaining amount of Rs. 2 lakhs have been paid over to Respondent No. 2 today.

4. Petitioner Nos. 1, 2 and 3 are present before the Court and have been identified by the learned counsel for the Petitioners and the Investigating Officer ('IO'). Petitioner Nos. 4 and 5 have joined through the Video Conferencing and have been identified by the learned counsel for the Petitioners and the IO.

5. Respondent No. 2 is also present before the Court and is accompanied by her mother Ms. Jagtara Devi. She has been identified by the IO.

6. This Court has interacted with Respondent No. 2 and she acknowledges the receipt of the entire amount of Rs. 4 lakhs. She also confirms execution of the settlement dated 12.12.2020 and affidavit dated 07.09.2024 recording her 'No Objection' filed in support of the present petition, which has been filed with this petition as Annexure P-4. She states that she as well joins in the prayer for quashing of the subject FIR.

7. Ld. ASC states that the case is still pending at the stage of investigation.

8. Considering the above settlement between the parties and noting that the chances of conviction of the Petitioners being remote and bleak, there is no use continuing with the proceedings of 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.

9. Consequently, the FIR No. 0443/2020 dated 05.10.2020 under Section 498A/406/34 of Indian Penal Code, 1860 ('IPC') registered at Police Station Neb Sarai and proceedings emanating therefrom are quashed.

10. Parties are bound down to the terms of settlement.

11. Accordingly, the petition is disposed of. Pending applications (if any) are disposed of as infructuous.

12. 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/rhc/AKT