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

+ **W.P.(CRL) 3012/2024**

**JAVED KHAN AND ORS**

.....Petitioners

Through: Petitioner Nos. 1 and 5 in person.

versus

**STATE NCT OF DELHI & ANR.**

.....Respondents

Through: Mr. Amol Sinha, ASC (Crl.) for State with Mr. Khitiz Garg, Mr. Ashwini Kumar and Ms. Chavi Lazarus, Advs. SI Prem Ram, P.S. Wazirabad with R-2 in person.

**CORAM:**

**HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA**

**ORDER**

% **11.03.2025**

1. The present petition has been filed under Article 226 of the Constitution of India read with Section 482 of the Criminal Procedure Code, 1973 (Cr.P.C.) seeking the following relief: -

“(a) Issue appropriate writ/order to quash the aforesaid FIR bearing no. 906/2022, U/s 498A/406/34 IPC P.S Wazirabad, Delhi along with entire prosecution case arising out of the aforesaid FIR bearing no. 906/2022. U/s 498A/406/34 IPC P.S Wazirabad, Delhi, against the petitioners on the complaint of the respondent no. 2. in the interest of justice.”

2. Petitioner Nos. 1 and 5 are personally present in Court and they are identified by the I.O.

3. Petitioner Nos. 2, 3, 4, 6 and 7 are neither personally present nor they have joined through video conferencing link. The affidavits of the said



Petitioner Nos. 2, 3, 4, 5, 6 and 7 have been filed in support of present petition.

4. Respondent No. 2 is personally present in Court and is identified by the learned counsel and the I.O.

5. This Court has interacted with Respondent No.2 in vernacular. Respondent No.2 confirms that she has executed the settlement agreement before the Counselling Cell Family Court, Tis Hazari Court on 01.08.2024.

5.1 She confirms having executed the affidavit dated 11.09.2024 in support of this petition recording her no objection to the quashing of the captioned FIR.

5.2 She states that out of the wedlock with Petitioner No. 1 a minor girl child was born. She states that while she has not received any monetary consideration from Petitioner No.1 and has in-fact given up all her claims towards alimony, the Petitioner No. 1 ought to provide for the maintenance of the minor girl child. She states that she is a contractual employee with MCD. She states that Petitioner no. 1 be directed to give a lumpsum amount (as a one-time measure) towards the maintenance of the minor girl child.

6. Petitioner No. 1 states that he is contractual employee with the Municipal Corporation of Delhi and he is drawing a basic fixed salary of Rs. 16,313/- and after deductions the net amount receivable is Rs. 14,390/-. He relies upon the salary slip for the month of September, 2024.

6.1 He states that he has since married Petitioner no. 5 and has two children from this second marriage as well.

6.2 He states that in his current financial condition he can make a payment of Rs. 2500/- per month to Respondent No. 2 towards the maintenance of the minor child. He states that the payment will be made on



or before of 10<sup>th</sup> of each calendar month.

6.3 He states however he cannot make payment of a lumpsum amount as requested by the Respondent no. 2.

6.4 He states that he has no objection if it is recorded that if there is any default by Petitioner no. 1 in making a payment of Rs. 2500/-, the Petitioner's employer will be entitled to deduct the amount of Rs. 2500/- at the request of the Respondent no. 2 and directly credited to her account.

7. This Court has considered the submissions of the parties. There is no dispute that Petitioner no. 1 and Respondent no. 2 have resolved their inter-se disputes and Respondent no. 2 has voluntarily agreed to the quashing of the subject FIR No. 906/2022. There is also no dispute that Petitioner no. 1 has complied with the settlement arrived between the parties on 08.11.2024. In these facts, this Court find no impediment in allowing the prayer sought in the present petition.

8. The Supreme Court in the case of **Jitendra Raghuvanshi & Ors. Vs. Babita Raghuvanshi & Anr.**<sup>1</sup>, has opined in respect of the matrimonial disputes that settlement inter se the parties must be encouraged and has specifically held as under:

“15. In our view, it is the duty of the courts to encourage genuine settlements of matrimonial disputes, particularly, when the same are on considerable increase. Even if the offences are non-compoundable, if they relate to matrimonial disputes and the Court is satisfied that the parties have settled the same amicably and without any pressure, we hold that for the purpose of securing ends of justice, Section 320 of the Code would not be a bar to the exercise of power of quashing of FIR, complaint or the subsequent criminal proceedings.

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<sup>1</sup> (2013) 4 SCC 58.



16. There has been an outburst of matrimonial disputes in recent times. The institution of marriage occupies an important place and it has an important role to play in the society. Therefore, every effort should be made in the interest of the individuals in order to enable them to settle down in life and live peacefully. If the parties ponder over their defaults and terminate their disputes amicably by mutual agreement instead of fighting it out in a court of law, in order to do complete justice in the matrimonial matters, the courts should be less hesitant in exercising their extraordinary jurisdiction. It is trite to state that the power under Section 482 should be exercised sparingly and with circumspection only when the Court is convinced, on the basis of material on record, that allowing the proceedings to continue would be an abuse of process of court or that the ends of justice require that the proceedings ought to be quashed....”

(Emphasis supplied)

9. Keeping in view the nature of the dispute and the fact that the parties have amicably settled the dispute and considering the chances of conviction of the Petitioners being remote and bleak, this Court is, therefore, of the view that there is no use continuing with proceedings of the present FIR as it would be misuse of the process of the Court and an unnecessary burden on the State exchequer. Further this Court is also of the considered opinion that it is a fit case to exercise discretionary jurisdiction under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS).

10. The Petitioner is however bound down to the statement made before this Court with respect to payment of monthly maintenance to Respondent no. 2 towards the minor child.

10.1 Petitioner No. 1 is directed to ensure that an amount of Rs. 2500/- is deposited into Respondent no. 2's bank account (Bank of Baroda, A/c No. 36290100019947) every month on or before 10<sup>th</sup> of each calendar month.

10.2 It is clarified that the amount of Rs. 2,500/- has been fixed relying upon the salary slip for September, 2024 placed on record by the Petitioner



no. 1.

10.3 It is directed that in case the Petitioner is regularized as a permanent employee with the MCD or there is any other enhancement in his salary as a contractual employee, Respondent No. 2 on behalf of the minor child will be entitled to seek enhancement of the maintenance.

10.4 Further, in case of any default in payment of Rs. 2500/- the Respondent no. 2 will be entitled to seek direct deduction from the employer of the Petitioner by making an application along with this order. Upon receiving such an application, the employer will be bound to make the deduction and remit the payment directly to the Respondent no. 2, failing which employer will be liable for disobedience of the order of this Court.

10.5 It is clarified that the present order and the settlement agreement executed between the parties will not affect the legal rights of the minor child vis-à-vis her parents in terms of the Judgment of the Supreme Court in **Ganesh v. Sudhirkumar Shrivastava**<sup>2</sup>.

11. The Court Master is directed to have the salary slip of the Petitioner no. 1 for September, 2024 placed on record.

12. Accordingly, the petition is allowed. Consequently, the FIR No. 906/2022 registered at P.S. Wazirabad for offences under Sections 498A/406/34 of the IPC and proceedings emanating therefrom are quashed.

13. Parties shall abide by the terms of settlement and the directions passed in this order.

14. Pending application is disposed of as infructuous.

15. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, [www.delhihighcourt.nic.in](http://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.

**MARCH 11, 2025/mt/sk**

**MANMEET PRITAM SINGH ARORA, J**

*Click here to check corrigendum, if any*

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<sup>2</sup> (2020) 20 SCC 787.