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

+ **W.P.(CRL) 3026/2024**

RAHUL GAMBHIR & ORS.

.....Petitioners

Through: Mr. Amardeep Singh and Mr.
Davinder Hora, Advocates

versus

THE STATE (N.C.T OF DELHI & ANR.

.....Respondents

Through: Mr. Sanjay Lao, Standing Counsel
with ASI Sher Singh, PS Hauz Khas,
Delhi
Ms. Pragati Keshvi, Advocate for R-2
with Respondent in person.

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **18.02.2025**

1. This petition has been filed seeking the following prayer: -

“To quash the FIR no. 0444/2023 dated 24.10.2023 at P.S. Hauz Khas registered against the petitioner, registered under Sections 498A/406/34 of IPC.”

2. Petitioner nos. 1, 2 and 3 are personally present in Court and are identified by the learned counsel for the Petitioner as well as the I.O.

3. Respondent no. 2 is personally present in Court and is represented by her counsel. She is identified by the counsel as well as the I.O.

4. Learned counsel for the Petitioner states that disputes in the present proceedings arises out of the matrimonial relationship between Petitioner no. 1 and Respondent no. 2.

5. He states that the parties have amicably resolved their disputes and



have executed the memorandum of settlement dated 12.08.2024 which is duly signed by the parties.

6. He states that Petitioner no. 1 and Respondent no. 2 also had their marriage dissolved by mutual consent and the decree of 08.11.2024 has been placed on record in this regard.

7. He states that as per the memorandum of settlement dated 12.08.2024 Petitioners have undertaken to pay a sum of Rs. 11,00,000/- to Respondent no. 2 in full and final settlement of all her claims towards permanent alimony and the same already stands payable.

8. This Court has interacted with Respondent no. 2 who is present in Court. She confirms having executed memorandum of settlement dated 12.08.2024 as well as having received the entire amount of Rs. 11,00,000/-. She also confirms having executed the affidavit filed by her in support of this petition recording her no objection for quashing the subject FIR.

9. Learned standing counsel states that investigation is still pending and charge-sheet has not been filed before the Trial Court.

10. This Court has heard the parties and perused the record.

11. The Supreme Court in the case of **Jitendra Raghuvanshi & Ors. Vs. Babita Raghuvanshi & Anr. (2013) 4 SCC 58**, has opined that in respect of the matrimonial disputes settlement inter se the parties must be encouraged and has specifically held as follows: -

“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.

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....”

12. The judgment of Supreme Court in **Gian Singh Vs. State of Punjab and Another (2012) 10 SCC 303** is also relevant, wherein the Supreme Court has held that even in non-compoundable offence where the victim has settled the disputes with the accused, the High Court may quash the proceedings on the basis of settlement if the circumstances so warrant. The Supreme Court referred to matrimonial disputes as an illustration of the offences which ought to be considered for quashing on the basis of settlement. The relevant portion reads as under:

"58.However, certain offences which overwhelmingly and predominantly bear civil flavour having arisen out of civil, mercantile, commercial, financial, partnership or such like transactions or the offences arising out of matrimony, particularly relating to dowry, etc. or the family dispute, where the wrong is basically to the victim and the offender and the victim have settled all disputes between them amicably, irrespective of the fact that such offences have not been made compoundable, the High Court may within the framework of its inherent power, quash the criminal proceeding or criminal complaint or FIR if it is satisfied that on the



face of such settlement, there is hardly any likelihood of the offender being convicted and by not quashing the criminal proceedings, justice shall be casualty and ends of justice shall be defeated."

17. Keeping in view the nature of the dispute in the petition being matrimonial 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.

18. In view of the above, the FIR No. 0444/2023 dated 24.10.2023 registered at Police Station Nand Nagri for offences under Sections 498A/406/34 of the Indian Penal Code, 1860 and proceedings emanating therefrom are quashed.

19. Parties shall abide by the terms of settlement.

20. Pending application is disposed of as infructuous.

21. 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 18, 2025/mt/ms

[Click here to check corrigendum, if any](#)