



2025:DHC:2460



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of decision: 08.04.2025

+ CRL.M.C. 8762/2024

SUNIL TOMAR

.....Petitioner

Through: Mr. Anil Soni, Sr. Adv. with
Mr. Ranbir Sharma, Adv.
Petitioner in person.

versus

STATE GOVT. OF NCT OF DELHI AND ANR

...Respondents

Through: Mr. Aman Usman, APP for the
State with SI Nishi, P.S.GK-1.
Mr. Akhil Sachar, Ms. Gurnar
Arora and Ms. Gauri Jha, Adv.
for R-2
R-2 in person.

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HON'BLE MR. JUSTICE RAVINDER DUDEJA

JUDGMENT (ORAL)**RAVINDER DUDEJA, J.**

1. This is a petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, on behalf of the petitioner, seeking quashing FIR No. 189 of 2022, dated 14.09.2022 P.S. Greater Kailash-I under Section 323/506 IPC read with 25/54/59 Arms Act and all proceedings emanating therefrom on the basis of settlement between the parties.



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2. The marriage between Petitioner No.1 and Respondent No.2 was solemnized on 09.11.2008. From this wedlock, two children namely Avni Tomar and Vihaan Tomar were born. Due to temperamental differences and domestic issue, the father of the respondent no. 2 called the police and the aforesaid FIR was registered against the petitioner. The petitioner was arrested on 14.09.2022 and was later granted regular bail by the Ld. Trial Court on 17.09.2022.

3. It is submitted that the petitioner No.1 and respondent No.2 mutually decided to resolve their differences. They have started residing together again under one roof with their children since then.

4. Petitioner no. 1 and Respondent no. 2 are physically present before the Court. They have been identified by their respective counsels as well as by the Investigating Officer, SI Nishi from P.S. Greater Kailash-I.

5. Respondent no. 2 submits that the matter has been settled with the petitioner. She further submits that she and Petitioner no. 1 are living together peacefully and she has no objection if the FIR is quashed against the petitioners. An affidavit dated 28.03.2025 has been filed by respondent no. 2 to this effect.

6. In view of the settlement between the parties, learned Additional PP appearing for the State, also has no objection if the present FIR is quashed.

7. In *Gian Singh vs State of Punjab (2012) 10 SCC 303*, Hon'ble Supreme Court has recognized the need of amicable resolution of



disputes by observing as under:-

"61. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceedings or continuation of criminal proceedings would tantamount to abuse of process of law despite settlement and compromise between the victim and the wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in the affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceedings."

8. In view of the aforesaid circumstances and the fact that parties have put a quietus to the dispute, no useful purpose will be served in continuing with the present FIR No. 189 of 2022, dated 14.09.2022 P.S. Greater Kailash-I under Section 323/506 IPC read with 25/54/59 Arms Act and all the other consequential proceeding emanating therefrom.

9. In the interest of justice, the petition is allowed, and the FIR No. 189 of 2022, dated 14.09.2022 P.S. Greater Kailash-I under Section 323/506 IPC read with 25/54/59 Arms Act along with charge sheet and all the other consequential proceeding emanating therefrom is hereby quashed, with cost of Rs. 10,000/- to be deposited by the petitioner with Delhi High Court Advocates Welfare Fund.

10. Petition is allowed and disposed of accordingly.

11. Pending application(s), if any, also stand disposed of.

RAVINDER DUDEJA, J

APRIL 8, 2025/ib/r