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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 3882/2024**

AMIT PANWAR AND ORS

.....Petitioners

Through: Mr. K.S. Negi and Mr. Nikhil Rajput,
Advocates with Petitioner in person

versus

THE STATE GOVT OF NCT OF DELHI AND ANR

.....Respondents

Through: Mr. Sanjay Lao, Standing Counsel for
State with Mr. Abhinav Kr. Arya, Ms.
Priyam Agarwal, Mr. Aryan
Sachdeva, Advocates with R-2 in
person.
SI Dheerendra Kumar, P.S. Pandav
Nagar.

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **06.03.2025**

1. The petition has been filed seeking the following reliefs: -

‘Issue a writ of mandamus and/or any other appropriate writ, order or directions to quash the FIR No. 282/2021, PS. Pandav Nagar dated 09.06.2021 and the proceedings emanating there from.’

2. Petitioner nos. 1, 2 and 3 are present in Court and are duly identified by Mr. K.S. Negi, learned counsel for the Petitioners and the Investigating Officer (‘I.O’).

3. Similarly, Respondent no. 2 is also present in Court and is duly identified by the I.O.

4. Learned counsel for the Petitioner states that disputes between the parties arise out of the matrimonial relationship of Petitioner no. 1 and Respondent no. 2. He states that parties have entered into a settlement agreement dated 13.09.2024 duly executed before the Delhi High Court



Mediation and Conciliation Centre.

5. He states that as per the terms of the settlement, the Petitioner no. 1 has undertaken to pay a sum of Rs. 30 lakhs to Respondent no. 2 in full and final settlement of all her claims towards permanent alimony. He states that an amount of Rs. 25 lakhs already stand paid and a demand draft for the balance amount of Rs. 5 lakhs has been handed over to Respondent no. 2 during the course of hearing.

6. He states that acting upon the settlement agreement, the parties had applied for a divorce by mutual consent which has been granted by the Family Court, East District, Karkardooma Courts, Delhi vide order dated 07.11.2024.

7. He states there are two children born out of this wedlock. He states that the daughter is a major and the son is a minor aged 17 years; and the sole custody of the children is with the Respondent no. 2.

8. He states that present settlement agreement only deals with the rights of Respondent no. 2 and legal rights of children remains unaffected.

9. He states that in view of the settlement, the present petition has been filed seeking quashing of FIR No. 282/2021, dated 09.06.2021, PS. Pandav Nagar, East District registered under Sections 498A/406/34 pertaining to the said matrimonial relationship.

10. Respondent no. 2 who is present in Court has interacted with the Court. She confirms execution of the settlement agreement dated 13.09.2024 and affidavit filed in support of this petition on her behalf recording her no objection to the relief of quashing. She confirms receipt of Rs. 25 lakhs and receipt of demand draft for the balance amount of Rs. 5 lakhs.



11. Learned ASC states that investigation is complete and the draft charge-sheet is ready, however the charge-sheet has still not been filed before the Trial Court.

12. This Court has considered the submissions of the parties.

13. The Supreme Court in the case of **Jitendra Raghuvanshi & Ors. Vs. Babita Raghuvanshi & Anr¹**, 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....”

(Emphasis Supplied)

14. 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.

15. In view of the above, FIR No. 282/2021, dated 09.06.2021, PS. Pandav Nagar, East District, registered under Sections 498A/406/34 and proceedings emanating therefrom are quashed.

16. Parties shall abide by the terms of settlement.

17. It is clarified that the terms of the Settlement will not affect the legal rights of the children qua their parents in terms of the Judgment of the Supreme Court in **Ganesh v. Sudhirkumar Shrivastava**².

18. In view of the above, the petition is disposed of. Pending applications, if any, is disposed of as infructuous.

19. 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

MARCH 6, 2025/mt/AKT

¹ (2013) 4 SCC 58

² (2020) 20 SCC 787.