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

+ CRL.M.C. 10176/2024

YOGESHWAR @ YOGI

.....Petitioner

Through: Ms. Fareha Kharsheed, Mr. Mujeeb Khan and Mr. Saleem Khan,
Advocates with petitioner in person.

versus

STATE (GOVT. OF NCT OF DELHI) & ANR.Respondents

Through: Mr. Utkrash, APP for the State with SI Manisha, PS Hauz Khas
Respondent no. 2 in person.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

% **17.02.2025**

1. The present petition has been filed under Section 528 BNSS, 2023 seeking quashing of FIR No. 304/2019 under Section 354 IPC & Section 10 POCSO Act, registered at Police Station Hauz Khas, New Delhi and the proceedings emanating out of the said FIR on the ground that the parties have arrived at a settlement.

2. The notice was issued *vide* order dated 23.12.2024. The petitioner (husband) and respondent no. 2 (wife) are present in Court and they have been identified by the learned counsel for the petitioner as well as by the I.O/ SI Manisha, Police Station Hauz Khas, New Delhi.

3. Learned counsel for the petitioner submits that the petitioner is husband of respondent no. 2 and the complaint was made by the daughter of the



petitioner and respondent no. 2, against the petitioner.

4. Learned counsel appearing on behalf of the petitioner submits that the present FIR is an outcome of the matrimonial discord. He submits that the petitioner had also filed a divorce petition against respondent no. 2, which now stands withdrawn, in view of the settlement arrived at between the parties, terms whereof were reduced into writing in the form of Memorandum of Understanding/Settlement Deed dated 01.11.2024, a copy of which has been annexed as Annexure-P5 to the present petition.

5. The respondent no. 2 /mother along with her daughter/complainant, who is aged about 17 years, are present in Court. On a query posed by the Court, respondent no. 2 affirms the factum of settlement and states that she along her daughter are residing with the petitioner and that she has no objection in case the aforesaid FIR is quashed.

6. In view of the fact that the parties have arrived at a settlement and FIR is an offshoot of a matrimonial discord between the petitioner and respondent no. 2, which now stands resolved, no useful purpose will be served in continuing the proceedings, rather the same would create further acrimony between their families.

7. In view of the settlement between the parties, the ultimate chances of conviction in the case are bleak, therefore, continuation of criminal proceedings will not serve any useful purpose and it will be an exercise in futility.

8. It is, thus, in the interest of justice that the present FIR and all the other proceedings emanating therefrom be quashed.

9. Consequently, the petition is allowed and FIR No. 304/2019 under Section 354 IPC & Section 10 POCSO Act, registered at Police Station Hauz



Khas, New Delhi alongwith all other proceedings emanating therefrom, is quashed.

10. The petition stands disposed of in the above terms.

FEBRUARY 17, 2025
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VIKAS MAHAJAN, J