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

+ **W.P.(CRL) 4044/2024**

SANJAY TYAGI & ORS.

.....Petitioner

Through: Mr. Vishnu Kant Pandey, Advocate
with Petitioner Nos. 1, 2, 3 and 5 in
person
Petitioner Nos. 4 and 6 (through VC)

versus

**STATE GOVT. OF NCT OF DELHI
AND ANR.**

.....Respondent

Through: Mr. Sanjay Lao, Standing Counsel for
the State with Mr. Abhinav Kr. Arya,
Ms. Priyam Agrawal and Mr. Aryan
Sachdeva, Advocates
SI Omprakash, ASI Kuldeep, PS
Mansarovar Park
Mr. Sanjay Kumar, Advocate for R-2
with R-2 in person

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

25.02.2025

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1. The present petition has been filed under Article 226 of the Constitution of India read with Section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023 (BNSS) seeking quashing of FIR No. 213/2023 dated 13.07.2023 registered at Police Station (P.S.) Mansarovar Park for offences under Sections 498A/406/34 of the Indian Penal Code, 1860 (IPC) on the basis mediation settlement agreement dated 29.07.2024.
2. Petitioner Nos. 1, 2, 3 and 5 are personally present in Court. Petitioner Nos. 4 and 6 have joined the proceedings through video conferencing link.



Petitioners have been identified by the learned counsel and the Investigating Officer (IO).

3. Respondent No. 2 is personally present in Court and is identified by the learned counsel and the IO. She is accompanied with a family member.

4. Learned counsel for the Petitioner states that the present dispute arises out of matrimonial relation between Petitioner No. 1 and Respondent No. 2.

4.1 He states that the parties have amicably settled their disputes and they have executed a settlement agreement dated 29.07.2024 before the Mediation Centre annexed with Karkardooma District Court.

4.2 He states that as per the terms of the settlement agreement dated 29.07.2024, parties have also dissolved their marriage and a decree of divorce by mutual consent dated 18.10.2024 has been passed by the concerned Family Court.

4.3 He states that the Petitioner No.1 has undertaken to pay permanent alimony of 16 Lakhs in full and final settlement.

4.4 He states that 11 Lakhs already stands paid and for the balance amount Rs. 5 Lakhs, a demand draft has been handed over to Respondent No. 2. He states that no child was borne out of the wedlock.

5. Respondent No. 2 is present in Court. This Court has interacted with her. She confirms the execution of the settlement agreement dated 29.07.2024. She further confirms the receipt of entire amount of Rs. 16 Lakhs. She also confirms of having executed the affidavit recording her No Objection. Respondent No. 2 states that she has no objection to the FIR being quashed.

6. 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....”

(Emphasis supplied)

7. 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).

8. Accordingly, the petition is allowed. Consequently, the FIR No. 213/2023 dated 13.07.2023 registered at Police Station (PS) Mansarovar



Park for offences under Sections 498A/406/34 of the Indian Penal Code, 1860 and proceedings emanating therefrom are quashed.

9. Parties shall abide by the terms of settlement.

10. Pending application is disposed of as infructuous.

11. 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 25, 2025/msh/sk

Click here to check corrigendum, if any