



\$~87

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

+ **W.P.(CRL) 78/2025**

**ASHISH PANWAR & ORS.**

.....Petitioners

Through: Mr. K.P. Singh, Mr. Pradeep and Mr. Nitesh, Advocates with petitioners in person.

versus

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

Through: Mr. Sanjay Lao, SC for State with Mr. PriyaM Aggarwal and Mr. Abhinav Kumar Arya, Advocates with SI Shubhanshu, PS-Kalyanpuri. Mr. Jitender Kumar, Advocate for R-2.

**CORAM:**

**HON'BLE MR. JUSTICE RAVINDER DUDEJA**

**ORDER**

**08.04.2025**

%

**CRL.M.A. 708/2025 (exemption)**

Allowed, subject to all just exceptions.

This application stands disposed of.

**W.P.(CRL) 78/2025**

1. This is a writ petition under article 226 of Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, on behalf of the petitioner, seeking quashing of FIR No. 0473/2022, dated 29.05.2022, P.S Kalyanpuri under sections 498A/406/509/323/34 IPC and



all proceedings emanating therefrom on the basis of settlement between the parties.

2. The marriage between Petitioner No.1 and Respondent No.2 was solemnized as per Hindu rites at Kotdwar, Uttarakhand. Due to temperamental differences and incompatibility, the couple started living separately from August 2021. Thereafter, Respondent No.2 filed a complaint at CAW Cell, which led to registration of the aforesaid FIR. Additionally, a DV Act case and a divorce petition under Section 13-B(1) HMA were filed.

3. It is submitted that during the pendency of the case, parties have resolved their discord amicably before counsellor and entered into a settlement agreement dated 30.07.2024. Pursuant to the settlement, mutual divorce has been granted, the DV case has been withdrawn, and all conditions of settlement have been fulfilled including the payment of entire settlement amount i.e., Rs.3,50,000/-. The copy of Settlement Agreement dated 30.07.2024 has been placed on record as Annexure P3.

4. The matter was placed before the Joint Registrar, who has recorded the statements of both the parties and passed the following orders:-

**“25.03.2025**

1. The present non contentious petition has been filed by the petitioners under Section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023 for quashing of the FIR NO. 473/2022 Under Sections 498A/406/509/323/377/506/34 of the Indian Penal Code registered at P.S. Kalyanpuri on the basis of settlement arrived at between the parties.

2. As per the submissions, the matter between the petitioners and R-2 has been amicably settled.

3. Vide separate statement recorded in this behalf, petitioners stated that dispute between them and R-2 has been amicably settled as per the settlement deed dated 30.07.2024. The settlement has been arrived at between the parties herein without any force, coercion, undue influence and pressure. They have signed the settlement deed with their wish and will. Vide separate statement recorded in this behalf, R-2 stated that dispute between her and petitioners has been amicably settled as per the



settlement deed dated 30.07.2024. The settlement has been arrived at between the parties herein without any force, coercion, undue influence and pressure. She has signed the settlement deed with her wish and will..

4. Investigating Officer is present in Court and has duly verified the identity of both the parties. Vide separate statement recorded in this behalf, Investigating Officer stated that the charge sheet has been filed in the ,present matter. He identified the prosecutrix/victim/R-2. He has also identified the petitioners who are accused in the present matter. He has also verified the settlement deed executed between the parties.

5. The parties along with their counsels have confirmed that the settlement deed has been duly entered into between them Respondent no. 2 & 3 has been identified by their counsel

6. Learned counsel for State/APP enters appearance and accepts notice. He submits that in view of the statement recorded, let the matter be placed before the Hon'ble Court.

7. The compromise/settlement deed is in writing and has been duly signed by both the parties. I have heard both the parties and from the direct dialogue with both the parties, it is observed that the consent of both the parties is found to be genuine and has not been obtained under undue influence or pressure.

8. In view of the above, matter be placed before the Hon'ble Court on 08.04.2025.”

6. Parties are physically present before the Court. They have been identified by their respective counsels as well as by the Investigating Officer SI Shubhanshu from PS Kalyanpuri.

7. Respondent no. 2 submits that the matter has been settled with the petitioner and she has received the entire settlement amount i.e., Rs. 3,50,000/- as per the schedule duly mentioned in the settlement agreement. She further submits that she has no objection if the FIR is quashed against the petitioners.

8. 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.

9. 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."

10. 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. 0473/2022, dated 29.05.2022, P.S Kalyanpuri under sections 498A/406/509/323/34 IPC and all the other consequential proceeding emanating therefrom.

11. In the interest of justice, the petition is allowed, and the FIR No. 0473/2022, dated 29.05.2022 under sections 498A/406/509/323/34 IPC registered at P.S Kalyanpuri and all the other consequential proceeding emanating therefrom is hereby quashed.

12. Petition is allowed and disposed of accordingly.

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

**RAVINDER DUDEJA, J**

**APRIL 8, 2025/r**