



\$~89

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

+ **CRL.M.C. 2862/2025**

SH. ASHISH AND ORS

.....Petitioners

Through: Mr. Tarun, Adv. with petitioners in person.

versus

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

Through: Mr. Digam Singh Dagar, APP for the State.

SI Taniya, P.S. Khyala.

Ms. Anita, Adv. for R-2 with R-2 in person.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

07.05.2025

%

1. This hearing has been done through hybrid mode.

CRL.M.A. 12785/2025 (Exemption)

2. Allowed, subject to all just exceptions. The application stands disposed of.

CRL.M.A. 12786/2025 (for delay in re-filing)

3. The present application under Section 482 of the Cr.P.C. seeks condonation of delay of 1 day in refiling the present petition.

4. In view of the averments made in the application, the delay of 1 day in refiling the present petition is condoned and the application stands disposed of.

CRL.M.C. 2862/2025

5. The present petition under Section 482 of the Cr.P.C. seeks quashing of FIR No. 161/2019 under Sections 498A/406/34 of the IPC, registered at

This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.

The Order is downloaded from the DHC Server on 13/05/2025 at 11:48:07



P.S. Khyala and all other consequential proceedings emanating therefrom, including the chargesheet pending before the court of Ms. Shivli Talwar, learned Judicial Magistrate, First Class, Mahila Court, Tis Hazari Courts, Delhi.

6. The marriage between the petitioner no.1/husband and the respondent no.2/wife was solemnized on 05.06.2016 as per Hindu Rites and Customs and one child was born out of the said wedlock.

7. Due to matrimonial differences between petitioner no. 1 and respondent no. 2, the parties started residing separately since 2019. Subsequently, respondent no.2/complainant lodged an FIR against petitioner no. 1 (husband), petitioner no. 2 and petitioner no. 3.

8. Learned counsel appearing on behalf of the petitioner submits that during the pendency of the proceedings, the latter has settled the matter with respondent no. 2 *vide* Settlement dated 06.12.2023 and in pursuance of which respondent no. 2 has no objection, if the present FIR and the subsequent chargesheet are quashed.

9. Petitioners and complainant/respondent no. 2 are present before the Court and have been duly identified by their counsel as well as the Investigating Officer, SI Taniya, P.S. Khyala.

10. The matter was also placed before the learned Joint Registrar who has recorded the statements of both the parties and passed the following order dated 29.04.2025: -

“Today, statement of respondent no. 2 & petitioner have been recorded to ascertain the veracity and the genuineness of the parties entering into settlement.

Respondent no. 2 has been identified by IO.

Let the pre-verified statement along with this order be placed before the Hon’ble Court on 07th May, 2025.”

This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.

The Order is downloaded from the DHC Server on 13/05/2025 at 11:48:07



11. The statement of respondent no.2 recorded on 29.04.2025 is as follows-

“I am the Respondent no. 2 in the present petition. At my instance, FIR No. 161/2019, Under Section 498-A/406/34 IPG, was registered at PS Khayala, Delhi and charge sheet has been filed against the petitioners.

Now, I have voluntarily and without any pressure or coercion from anyone and after obtaining due legal advice settled all my issues and disputes with the petitioners and out of my free will have entered into Mediation Settlement dated 06.12.2023 with the petitioner before Mediation Centre, West District, Tis Hazari Courts, in Med. No. 9740/2023 titled as State Vs. Ashish; as Annexure C at page 61 onwards bearing my signatures.

As per settlement, I am happily residing with the petitioner no. 1 (Sh. Vijay @ Ashish) in my matrimonial home peacefully after reconciling all the issues and disputes. As per the settlement, I have no objection if FIR bearing No. 161/2019, Under Section 498-A/406/34 IPC, registered at PS Khayala, Delhi and all proceedings emanating there from are quashed by the Hon'ble Court qua all the petitioners. There is no other case pending between me and the petitioners. I undertake to withdraw all other pleas, if any remaining.

I am making this statement voluntarily in the presence of my counsel, IO as well as my husband. I am fully aware of the consequences of making this statement. I shall cooperate in quashing of the present FIR. I shall also abide by all terms of the settlement. I shall not institute any other civil or criminal proceedings against the petitioners with respect to the facts and events for which the abovesaid FIR was registered.

This is my true statement being made voluntarily in the presence of IO and my husband. I fully understand the consequences of making this statement. This statement has been signed by me in the presence of IO & my husband after the same has been read over to me in Hindi.”

12. In view of the settlement between the parties, learned APP for the State also has no objection if the present FIR and the consequential proceedings arising therefrom including the chargesheet are quashed.

13. In *Gian Singh vs. State of Punjab*, (2012) 10 SCC 303, the Hon'ble

This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.

The Order is downloaded from the DHC Server on 13/05/2025 at 11:48:07



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 proceeding.”

14. In view of the aforesaid circumstances, and the fact that the parties have put a quietus to the dispute, no useful purpose will be served in continuing with the present FIR No. 161/2019 under Sections 498A/406/34 of the IPC, registered at P.S. Khyala and all other consequential proceedings emanating therefrom, including the chargesheet pending before the court of Ms. Shivli Talwar, learned Judicial Magistrate, First Class, Mahila Court, Tis Hazari Courts, Delhi.

15. In the interest of justice, the petition is allowed, and the FIR No. 161/2019 under Sections 498A/406/34 of the IPC, registered at P.S. Khyala and all other consequential proceedings emanating therefrom, including the chargesheet pending before the court of Ms. Shivli Talwar, learned Judicial Magistrate, First Class, Mahila Court, Tis Hazari Courts, Delhi, are hereby quashed,

16. Petition is allowed and disposed of accordingly.

17. Pending application(s), if any, also stands disposed of.

AMIT SHARMA, J

MAY 7, 2025/nk/pr

[Click here to check corrigendum, if any](#)

This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.

The Order is downloaded from the DHC Server on 13/05/2025 at 11:48:07