

# Vinod Bansal @ Vinod Kumar And Others vs The State And Another on 30 January, 2023

**Author: Amit Sharma**

**Bench: Amit Sharma**

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IN THE HIGH COURT OF DELHI AT NEW DELHI

CRL.M.C. 570/2023, CRL.M.A.

2238/2023

CRL.M.A. 2237/2023 (Stay)

VINOD BANSAL @ VINOD KUMAR AND OTHERS

Through: Mr. Manoj Kr. Singh, Ad  
alongwith petitioners i

versus

THE STATE AND ANOTHER

Through: Mr. Hitesh Vali, APP fo  
with S.I. Parvinder Kum  
Samaipur Badli.  
Mr. Sunil Soni, Ms. Mon  
Advocates for R-2.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

% 30.01.2023 The present petition filed under Section 482 Cr.P.C. seeks quashing of FIR No. 1285/2014, under Sections 498A/406/34 IPC and Section 4 of Dowry Prohibition Act, 1961 registered at P.S. Samaipur Badli, Delhi and all other consequential proceedings emanating therefrom, including the chargesheet pending before the court of Ms. Upasana Sathija, learned Metropolitan Magistrate, Rohini Court, Delhi.

The marriage between petitioner no.1/husband and respondent no.2/wife was solemnized on 10.05.2006 as per Hindu rites and Ceremonies.

One female child, namely, Nikita Gupta was born out of the said wedlock.

Due to matrimonial differences between petitioner no. 1 and respondent no. 2, the parties started residing separately from 25.01.2009. Subsequently, respondent no.2/complainant lodged an FIR against petitioner no.1 (husband), petitioner no. 2 (mother-in-law) and petitioner no. 3 (brother-in-law) and petitioner no. 4 (sister-in-law).

On 12.11.2014, petitioner no. 1 had filed a case under Section 11 of Hindu Marriage Act, against the

respondent no. 2/wife for declaring the marriage as null and void and the same was registered as HMA No. 984/2014 and the said marriage of the parties was declared null and void vide order dated 12.11.2014, passed by Sh. Kamlesh Kumar, Principal Judge (North-West), Family Courts, Rohini, Delhi. The copy of the said order dated 12.11.2014 is on record (Annexure P-3).

On 14.07.2022, parties arrived at a settlement and as per the said settlement deed, petitioner no.1 has agreed to pay an amount of Rs. 2,00,000/- to the respondent no.2/wife towards full and final settlement of all her claims including istridhan, permanent alimony and maintenance - present, past and future in three installments by way of FD in the name of the daughter. As per the said settlement deed, custody of the minor child will be with the respondent no. 2. The copy of the aforesaid settlement deed dated 14.07.2022 is on record (Annexure P-4).

As per the settlement deed, an amount of Rs. 1,25,000/- has already been paid to respondent no.2 and the remaining amount of Rs. 75,000/- has been paid to her in court today, by means of a FDR.

Petitioners and complainant/respondent no. 2 are present before the Court and have been duly identified by their respective counsel, as well as the Investigating Officer, S.I. Parvinder Kumar, P.S. Samaipur Badli.

A FDR bearing no. 484467 of Rs. 75,000/- of Union Bank of India has been handed over complainant/Respondent No.2, who acknowledges the receipt of the same.

The complainant/respondent No.2 states that the matter has been settled with the petitioners and she has no objection if the FIR is quashed. She further states that all the terms of the agreement have been complied with.

In view of the settlement between the parties, learned APP for the State also has no objection if the present FIR is quashed.

In *Gian Singh v. State of Punjab*, (2012) 10 SCC 303, the 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 proceeding."

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. 1285/2014, under Sections 498A/406/34 IPC and Section 4 of Dowry Prohibition Act, 1961 registered at P.S. Samaipur Badli, Delhi and all other consequential proceedings emanating therefrom, including the

chargesheet pending before the court of Ms. Upasana Sathija, learned Metropolitan Magistrate, Rohini Court, Delhi.

In the interest of justice, the petition is allowed, and the FIR No. 1285/2014, under Sections 498A/406/34 IPC and Section 4 of Dowry Prohibition Act, 1961 registered at P.S. Samaipur Badli, Delhi and all other consequential proceedings emanating therefrom, including the chargesheet pending before the court of Ms. Upasana Sathija, learned Metropolitan Magistrate, Rohini Court, Delhi, is hereby quashed.

It is however directed that this order shall not come in the way of the minor child in claiming her rights of inheritance, maintenance, educational & marriage expenses. etc. against any of the parties.

Petition is allowed and disposed of accordingly. Pending application(s), if any, also stand disposed of.

AMIT SHARMA, J JANUARY 30, 2023/bsr