

Vipin Sharma & Ors vs The State Govt Of Nct Of Delhi & Anr on 22 March, 2023

Author: Amit Sharma

Bench: Amit Sharma

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IN THE HIGH COURT OF DELHI AT NEW DELHI

CRL.M.C. 1658/2023

VIPIN SHARMA & ORS

Through: Mr. Jitendra Kumar, Ad
petitioners no. 1 to 4

versus

THE STATE GOVT OF NCT OF DELHI & ANR Respondent

Through: Mr. Hemant Mehla, APP
with Insp. G.R. Meena,
Nagar, New Delhi.
Respondent no. 2 in-pe
VC)

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

% 22.03.2023

1. The present petition filed under Section 482 of the Cr.P.C. seeks quashing of FIR No. 241/2018, under Sections 498A/406/34 of the IPC, registered at P.S. Swaroop Nagar, New Delhi and all other consequential proceedings emanating therefrom, including the chargesheet pending before the Court of Ms. Preeti, learned Metropolitan Magistrate, Rohini Courts, Delhi.

2. The marriage between petitioner no.1/husband and respondent no.2/wife was solemnized on 07.12.2014 as per Hindu rites and ceremonies.

3. No child was born out of the said wedlock.

3. Due to matrimonial differences between petitioner no. 1 and respondent no. 2, the parties started residing separately from 15.05.2016. Subsequently, respondent no.2/complainant lodged an FIR against petitioner no.1 (husband), petitioner no. 2 (father-in-law), petitioner no. 3 (mother-in-law) and petitioner no. 4 (daughter-in-law).

7. On 02.01.2019, parties arrived at a settlement and as per the said settlement letter, petitioner no.1 has agreed to pay an amount of Rs. 1,50,000/- 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. The copy of the aforesaid settlement deed dated 02.01.2019 is on record (Annexure C).

8. In terms of the said settlement, the marriage between the parties stands dissolved by a decree of divorce dated 23.02.2021, passed by Shri M.R. Sethi, Principal Judge, Family Courts, Delhi (Annexure G). Further, as per the settlement letter, the total amount of Rs. 1,50,000/- has already been paid to complainant/respondent no. 2.

9. Petitioners are present before the Court and complainant/respondent no. 2 is present through video conference and have been duly identified by their respective counsel, as well as the Investigating Officer, Inspector G.R. Meena, P.S. Swaroop Nagar.

10. 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 settlement have been complied with.

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

12. 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."

13. 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. 241/2018, under Sections 498A/406/34 of the IPC, registered at P.S. Swaroop Nagar, New Delhi and all other consequential proceedings emanating therefrom, including the chargesheet pending before the Court of Ms. Preeti, learned Metropolitan Magistrate, Rohini Courts, Delhi.

14. In the interest of justice, the petition is allowed, and the FIR No. 241/2018, under Sections 498A/406/34 of the IPC, registered at P.S. Swaroop Nagar, New Delhi and all other consequential proceedings emanating therefrom, including the chargesheet pending before the Court of Ms. Preeti, learned Metropolitan Magistrate, Rohini Courts, Delhi, is hereby quashed.

15. Petition is allowed and disposed of accordingly.

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

AMIT SHARMA, J MARCH 22, 2023/ab