

Gaurav Gaur & Ors. vs State Govt. Of Nct Of Delhi And Anr. on 9 April, 2025

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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of decision:

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+ CRL.M.C. 2197/2025
GAURAV GAUR & ORS.

Through: Mr. Digvijay Singh
Mr. Manik Sood, Adv
Gaurav Gaur, Mr. Gu
Sharma, Mrs. Alka S
Mr. Vaibhav Gaur, pe
person.
Mr. Gaurav Gaur, pe
no.1 through VC.
Mr. Gurcharan Sharm
Alka Sharma, Mr. Va
Gaur, petitioners i

versus

STATE GOVT. OF NCT OF DELHI AND ANR.

... Responden

Through: Mr. Satinder Singh Bawa, A
with SI Amit Kumar, PS-
Dwarka South.
Ms. Sakshi Sharm
Complainant through VC.

CORAM: -

HON'BLE MR. JUSTICE RAVINDER DUDEJA

JUDGMENT (ORAL)

RAVINDER DUDEJA, J.

1. This is a petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking quashing of FIR No. 482/2016, dated 10.05.2016, P.S Dwarka South under sections 498A/406/34 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 on 13.05.2013 as per Hindu rites at New Delhi. Due to temperamental differences, the couple started living separately from 23.06.2015. Thereafter, Respondent No. 2 filed a complaint under Section 12 of the Protection of Women from Domestic Violence Act, 2005. She also lodged the aforesaid FIR against Petitioner No. 1 and his family members.

3. Subsequently, Petitioner No. 1 filed a petition for divorce under Section 13(1)(ia) of the Hindu Marriage Act, 1955. During the proceedings, the parties were referred to mediation by the Family Court, Dwarka, where they amicably resolved their disputes and executed a Settlement Agreement dated 07.06.2024. In pursuance of the settlement, the parties jointly filed a fresh petition under Section 13B(1) of the Hindu Marriage Act, 1955. The learned Family Court allowed the mutual divorce petition on 06.12.2024, thereby dissolving the marriage. It is submitted that all the previous complaints and litigations initiated by the parties has been withdrawn and all conditions of settlement have been fulfilled including the payment of entire settlement amount i.e., Rs. 60,00,000/- The copy of Settlement Agreement dated 07.06.2024 has been placed on record as Annexure F.

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

"03.04.2025

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. 284/2016 Under Sections 498A/406/34 of the Indian Penal Code registered at P.S. Dwarka South 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. Learned counsel for petitioners submits that P-4 is present through virtual mode.

3. Vide separate statement recorded in this behalf, P-2 to 4 stated that dispute between them and R-2 has been amicably settled as per the settlement deed dated 07.06.2024. 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. P-1 who is present in Court through virtual mode submits that matter has been amicably settled. 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 07.06.2024. 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 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.

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 09.04.2025."

6. Petitioner no. 2 to 4 are physically present before the Court while Petitioner no. 1 and Respondent no. 2 has entered their appearance through VC. They have been identified by their respective counsels as well as by the Investigating Officer SI Amit Kumar, from PS Dwarka South.

7. Respondent no. 2 submits that the matter has been settled with the petitioners and she has received the entire settlement amount i.e., Rs. 60,00,000/- 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. 482/2016, dated 10.05.2016, P.S Dwarka South under sections 498A/406/34 IPC and all the other consequential proceeding emanating therefrom.

11. In the interest of justice, the petition is allowed, and the FIR No. 482/2016, dated 10.05.2016, P.S Dwarka South under sections 498A/406/34 IPC along with the charge sheet 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 9, 2025/r/sky