

(2025) 05 DEL CK 0809

In the Delhi High Court

Case No : Criminal Miscellaneous Petition No. 2793 Of 2025, Criminal Miscellaneous Application No. 12490 Of 2025

Jai Shukla

APPELLANT

Vs

State Of Nct Of Delhi & Anr

RESPONDENT

Date of Decision : 02-05-2025

Acts Referred:

Bharatiya Nagarik Suraksha Sanhita, 2023 — Section 528
Indian Penal Code , 1860 — Section 34, 406, 498A
Hindu Marriage Act, 1955 — Section 13B(1)

Citation : (2025) 05 DEL CK 0809

Hon'ble Judges : Ravinder Dudeja, J

Bench : Single Bench

Advocate : Kartik Yadav, Chander Shekhar, Hitesh Vali

Final Decision : Allowed

Judgement

Ravinder Dudeja, J

1. This is a petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking quashing of FIR No. 0363/2022, dated 05.07.2022, registered at P.S Mohan Garden 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 28.11.2019 as per Hindu rites and ceremonies at Delhi. No child was born out of the wedlock. It is submitted that due to temperamental differences, the couple started living separately since 15.03.2022. Thereafter, Respondent No.2 lodged the aforesaid FIR against Petitioner No. 1 and his relatives. The chargesheet has been filed.

3. During the pendency of the proceedings, both parties entered into a settlement agreement dated 21.12.2024, whereby the petitioner and respondent no. 2 amicably resolved all disputes, agreed to pursue mutual divorce, and to

withdraw all pending cases. The petitioner undertook to return the stridhan and pay Rs. 15,50,000/- in five installments.

4. In pursuance of the Settlement, the parties jointly filed a fresh petition for divorce by mutual consent under Section 13B(1) of the Hindu Marriage Act, 1955. The learned Family Court, South West Dwarka Courts allowed the mutual divorce petition on 23.01.2025, thereby dissolving the marriage between the Petitioner No.1 and Respondent No.2. It is submitted that all the previous complaints and litigations initiated by the parties has been withdrawn and all conditions of the Settlement Agreement have been fulfilled as per the schedule mentioned in the Settlement Deed. The copy of

Compromise/Settlement Deed dated 21.12.2024 has been placed on record as Annexure P-3.

5. The matter was placed before the Joint Registrar on 25.04.2025, who has recorded the statements of both the parties and passed the following orders:-

"25.04.2025

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. 0363/2022 Under Sections 498A, 406 of the Indian Penal Code registered at P.S. Mohan Garden on the basis of settlement arrived at between the parties.

2. As per the submissions, the matter between the petitioner and R-2 has been amicably settled. Learned counsel for petitioner submits that petitioner is appearing through virtual mode. Petitioner submits that matter has been amicably settled.

3. Vide separate statement recorded in this behalf, R-2 stated that dispute between R-2 and petitioner has been amicably settled as per the settlement deed dated 21.12.2024. The settlement has been arrived at between the parties herein without any force, coercion, undue influence and pressure. The settlement deed has been signed with wish and will.

4. Investigating Officer is present in Court and has duly verified the identity of both the parties. Separate statement of Investigating Officer has also been recorded.

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 02.05.2025."

6. Petitioner and respondent are present before the Court through VC. They have been identified by their respective counsels as well as by the Investigating Officer WSI Bala Rani and SI Ravinder Singh, from PS Mohan Garden and PTS, Jharoda, respectively.

7. Respondent No. 2 submits that the matter has been amicably settled, and she confirms that she has received the full and final settlement amount from the petitioners without any force, fear, or coercion. She further states that she has no objection to the terms and conditions mentioned in the Compromise/Settlement Deed dated 21.12.2024 and has no objection if FIR No. 0363/2022, along with the charge sheet, 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 No. FIR No. 0363/2022 along with charge sheet 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. 0363/2022, dated 05.07.2022, registered at P.S Mohan Garden 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 FIR No. 0363/2022, dated 05.07.2022, registered at P.S Mohan Garden 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.