

(2026) 03 DEL CK 0561

In the Delhi High Court

Case No : Criminal Miscellaneous Petition No. 2170 Of 2026 & Criminal
Miscellaneous Application No. 8960 Of 2026

Karan Gera & Anr.

APPELLANT

Vs

State Through Sho Ps Shalimar Bagh & Anr.

RESPONDENT

Date of Decision : 24-03-2026

Acts Referred:

Bharatiya Nagarik Suraksha Sanhita, 2023 — Section 528
Indian Penal Code, 1860 — Section 34, 406, 498A

Citation : (2026) 03 DEL CK 0561

Hon'ble Judges : Manoj Jain, J

Bench : Single Bench

Advocate : Sanjay Rathi, Ashish Khatri, Aakash Dahiya, Viraj, Raj Kumar, Rohit Tyagi

Final Decision : Disposed Of

Judgement

Manoj Jain, J

1. Petitioners herein seek quashing of FIR No. 676/2021 dated 06.08.2021, registered at Police Station Shalimar Bagh for commission of offences under Sections 498A/406/34 IPC, along with all consequential proceedings arising therefrom, on the basis of compromise arrived at between the parties.
2. The marriage between complainant (respondent No.2 herein) and petitioner No.1 was solemnized on 24.11.2007, as per Hindu traditions, rites and customs. They were blessed with a baby boy from the above said wedlock in the year 2012.
3. On account of matrimonial discord, a complaint was lodged by respondent No.2, which resulted into registration of the abovesaid FIR.
4. Charge-sheet has yet not been filed.
5. Fortunately, parties have entered into amicable settlement and copy of Memorandum of Settlement (MoU) dated 07.04.2025 has been placed on record.

As per terms of such settlement, parties have already withdrawn their other respective cases, and have already obtained divorce by way of mutual consent on 01.09.2025.

6. The custody of their son, shall remain with Mother-respondent No.2, with no visitation rights to Father/petitioner no.1 or the family members of respondent No.2, as per the terms of the MoU dated 07.04.2025.

7. Petitioner Nos. 1 and 2 are present in Court and respondent No.2 has joined the proceedings through video conferencing. The Investigating Officer (I.O.) is present and duly identifies respondent No.2.

8. During the course of consideration, when asked, Respondent No.2 reiterated the terms of settlement and stated that she has waived off her rights with respect to her maintenance and alimony. She also reveals that all other civil matters have already been withdrawn and the parties have already taken divorce by way of mutual consent. She states that as per the terms of abovesaid settlement, the custody of their son would remain with her, with no visitation rights to petitioners. She submits that all the requisite steps have been taken by the parties in terms of settlement and that she has entered into the abovesaid settlement out of her own free will and without any coercion and influence from any corner whatsoever and, therefore, she would have 'no objection' if FIR in question is quashed. Her affidavit to abovesaid effect is also on record.

9. Keeping in mind the overall facts of the case and the fact that parties have settled their all disputes amicably and respondent no. 2 does not want to pursue her complaint against petitioners herein, continuing with criminal proceedings would serve no useful purpose. Moreover, the dispute does not involve any public interest and is private in nature.

10. Accordingly, exercising inherent powers vested in this Court under Section 528 of BharatiyaNagarik Suraksha Sanhita, 2023, it is deemed appropriate to quash the instant FIR.

11. Consequently, to secure the ends of justice, FIR No. 676/2021 dated 06.08.2021, registered at Police Station Shalimar Bagh for commission of offences under Sections 498A/406/34 IPC, along with all consequential proceedings arising therefrom, is hereby quashed

12. Original MoU dated 07.04.2025 alongwith the original affidavits of the parties, copies of which have been placed on record in the present proceedings, shall be submitted before the concerned SHO/IO within two weeks from today.

13. The petition stands disposed of in aforesaid terms.

14. Pending application also stands disposed of in aforesaid terms.