

(2025) 05 DEL CK 0856

In the Delhi High Court

Case No : Criminal Miscellaneous Petition No. 2889 Of 2025

Narender Kumar & Ors

APPELLANT

Vs

State Nct Of Delhi & Anr

RESPONDENT

Date of Decision : 08-05-2025

Acts Referred:

Bharatiya Nagarik Suraksha Sanhita, 2023 — Section 528
Code of Criminal Procedure, 1973 — Section 125
Indian Penal Code , 1860 — Section 34, 406, 498A
Hindu Marriage Act, 1955 — Section 13(1)(ia), 13B(1)

Citation : (2025) 05 DEL CK 0856

Hon'ble Judges : Ravinder Dudeja, J

Bench : Single Bench

Advocate : Sunil Dahiya, Neha Verma, Arti, Satinder Singh Bawa, Abhishek Kumar

Final Decision : Allowed

Judgement

Ravinder Dudeja, J

CRL.M.A. 12928/2025 EXEMPTION

Allowed, subject to all just exceptions.

The application stands disposed of.

CRL.M.C. 2889/2025

1. This is a petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking quashing of FIR No. 0780/2015, dated 18.08.2015, registered at P.S Sultanpuri 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 20.11.2011 as per Hindu rites and ceremonies at Delhi. One female child namely Tanushka was born on 15.01.2015 out of the said wedlock. It is

submitted that due to temperamental differences, the couple started living separately since 25.06.2014. Thereafter, Respondent No.2 filed a petition under section 125 Cr.P.C. bearing MT No. 391/2019 against the Petitioner No.1, two execution petitions bearing Nos. Ex. 23/2022 and Ex. 24/2022 and also lodged the aforesaid FIR against Petitioner No. 1 and his family members. The Petitioner No.1 filed a petition for divorce under section 13(1)(ia) of the Hindu Marriage Act, 1955.

3. During the proceedings, the parties were referred to mediation where they amicably resolved their disputes and executed a Settlement/Agreement dated 15.09.2023. 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, North-West, Rohini Courts, Delhi allowed the mutual divorce petition on 26.09.2024, 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 It is submitted that all the previous complaints and litigations initiated by the parties has been withdrawn and all conditions of the Settlement including payment of Rs. 5,00,000/- (Rupees Five Lacs) as full and final settlement have been fulfilled as per the schedule mentioned in the Settlement/Agreement. The copy of Settlement/Agreement dated 17.02.2023 has been placed on record as Annexure C.

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

"01.05.2025

Today, videoconferencing is not connected due to some technical error. Complaint in this regard made to the concerned branch.

Today, statement of respondent no.2 and the petitioner nos. 1, 2, 3

& 4 have been recorded to ascertain the veracity and the genuineness of the parties entering into settlement.

Respondent no.2 and the petitioner nos. 1, 2, 3 & 4 have been identified by the learned counsel and the IO.

Let the pre-verified statement along with this order be placed before the Hon'ble Court on 08th May 2025.

5. Petitioners are physically present before the Court while respondent no.2 has entered her appearance through VC. They have been identified by their respective counsels as well as by the Investigating Officer SI Braham Prakash from PS Sultanpuri.

6. Respondent No.2 confirms that the matter has been settled with the petitioners without any force, fear, coercion and she has received the entire settled amount of Rs. 5,00,000/- (Rupees Five Lacs) from the Petitioner No.1 as per the schedule mentioned in the Settlement/Agreement dated 17.02.2023. She

submits that she has no objection if the FIR No. 0780/2015 alongwith charge sheet is quashed against the petitioners.

7. In view of the settlement between the parties, learned Additional PP appearing for the State, also has no objection if the present FIR No. 0780/2015 is quashed.

8. 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."

9. 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. 0780/2015, dated 18.08.2015, registered at P.S Sultanpuri under sections 498A/406/34 IPC alongwith charge sheet and all the other consequential proceeding emanating therefrom.

10. In the interest of justice, the petition is allowed, and FIR No. 0780/2015, dated 18.08.2015, registered at P.S Sultanpuri under sections 498A/406/34 IPC alongwith charge sheet and all the other consequential proceeding emanating therefrom is hereby quashed.

11. Petition is allowed and disposed of accordingly.

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