

(2025) 05 DEL CK 0925

In the Delhi High Court

Case No : Criminal Miscellaneous Petition No. 1576 Of 2025

Yogesh Kumar & Anr

APPELLANT

Vs

State (Nct Of Delhi) & Ors

RESPONDENT

Date of Decision : 21-05-2025

Acts Referred:

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

Citation : (2025) 05 DEL CK 0925

Hon'ble Judges : Ravinder Dudeja, J

Bench : Single Bench

Advocate : Mohd. Zohaib, Neeru Dagar, Mehlawat, Simran, 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. 0343/2016, dated 06.06.2016, registered at P.S Ambedkar Nagar 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 24.02.2012 as per Hindu rites and ceremonies at Delhi. One daughter is born out of the said wedlock. It is submitted that due to temperamental differences, there were quarrels between the Respondent No.2 and the Petitioners. Thereafter, Respondent No.2 filed a maintenance petition bearing No. 254/2015, an execution petition bearing No. 58/2024 and also lodged the aforesaid FIR No. 0343/2016 under sections 498A/406/34 IPC against Petitioners. The present case was registered due to some family disputes and quarrel over between the petitioners and Respondents No. 2. The charge sheet was filed under sections 498A/406/34 IPC.

3. During the proceedings, the parties amicably resolved their disputes and

executed a Settlement Deed dated 24.12.2023. It is submitted that in terms of settlement, petitioners have already paid Rs. 2,50,000/- to respondent No. 2 and petitioners undertake to pay balance amount of Rs. 1,00,000/- to respondent No. 2 at the time of withdrawal of execution pending before the executing Court.

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

"13.05.2025

1. The present non contentious petition has been filed by the petitioners under Section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023 for seeking quashing of the FIR NO. 343/2016 Under Sections 498A/406/34 IPC PS Ambedkar Nagar, Delhi on the basis of family settlement deed arrived at between the petitioners and R-2 & 3.

2. Vide order dated 05.03.2025, statement of the parties have already been recorded.

3. Matter is pending for service of R-1 and for filing the copy of orders by which Mr. Dinesh Kumar has been discharged and proceedings qua Mr. Ashok Kumar have been abated.

4. 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.

5. Copy of orders by which Mr. Dinesh Kumar has been discharged and proceedings qua Mr. Ashok Kumar have been abated are seen. Let the same be placed on record.

6. In view of the statement recorded, matter be placed before the Hon'ble Court on 21.05.2025.

5. Petitioners are physically present before the Court with advocate 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 Sandeep Kumar, from PS Ambedkar Nagar.

6. Respondent No.2 confirms that the matter has been settled with the petitioners without any force, fear, coercion and she has received the part payment of Rs. 2,50,000/- (Rupees Two Lacs Fifty Thousand) and balance amount of Rs. 1,00,000/- shall be paid at the time of withdrawal of execution listed before the executing Court on 22.05.2025. She further submits that she has no objection if the FIR No. 0343/2016 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. 0343/2016 alongwith charge sheet 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. 0343/2016, dated 06.06.2016, registered at P.S Ambedkar Nagar 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 the FIR No. 0343/2016, dated 06.06.2016, registered at P.S Ambedkar Nagar 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.