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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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Date of decision: 15.05.2025

+ **CRL.M.C. 2761/2025 & CRL.M.A. 12378/2025 EXEMPTION**

SH. DILIP DIXIT @ DALIP KUMAR & ORS.Petitioners

Through: Mr. Manoj & Mr. Balram along
with petitioners in person.

versus

STATE (GOVT. OF NCT DELHI) & ANR. Respondents

Through: Mr. Satinder Singh Bawa, APP
for the State with ASI Om
Prakash, from PS Sarai Rohilla.
Mr. Anil Jain, Adv. for R-2
with R-2 in person

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. 0228/2021, dated 30.04.2021, registered at P.S Sarai Rohilla 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 30.06.2001 as per Hindu rites and ceremonies at Delhi. Three children were born out of the said wedlock. It is



submitted that due to temperamental differences, the couple used to fight and they started living separately under the same roof. Thereafter, Respondent No.2 filed complaint case under section 12 of the DV Act bearing No. 1018/2020 and also lodged the aforesaid FIR against Petitioner No. 1 and his family members. The charge sheet was filed under sections 498A/406/509/323/34 IPC.

3. During the proceedings, the parties amicably resolved their disputes and executed a Settlement Deed/MoU dated 24.03.2025. In pursuance of the Settlement, the parties have agreed to live together in the matrimonial home. It is submitted that all the previous complaints and litigations initiated by the parties has been withdrawn. The copy of Settlement Deed/MoU dated 24.03.2025 has been placed on record as Annexure P-3.

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

“24.04.2025

Today, statement of respondent no. 2 & petitioner no. 1 has been recorded to ascertain the veracity and the genuineness of the parties entering into settlement.

Respondent no. 2 lodged FIR No. 228/2021, Under Section 498-A/406/34 IPC, registered at PS Sarai Rohilla, Delhi and charge sheet has been filed against the petitioners.

Respondent no. 2 states that she has voluntarily and without any pressure or coercion from anyone and with the intervention of



friends, family members and well wishers settled all her issues and disputes with all the petitioners; and out of her free will have entered into compromise/MOU/Settlement dated 24.03.2025 which is on record as Annexure P-3 at page no. 55 onwards bearing her signatures.

As per settlement, Respondent no. 2 is happily residing with the petitioner no. 1 (Sh. Dilip Dixit @ Dalip Kumar) in her matrimonial home peacefully after reconciling all the issues and disputes.

As per the settlement, Respondent no. 2 has no objection if FIR bearing No. 228/2021, Under Section 498-A/406/34 IPC, registered at PS Sarai Rohilla, Delhi and all proceedings emanating there from are quashed by the Hon'ble Court qua all the petitioners, there is no other ease pending between me and the petitioners. Respondent no. 2 undertakes to withdraw all other eases, if any remaining.

Respondent no. 2 is making this statement voluntarily in the presence of her counsel as well as her husband. Respondent no. 2 is fully aware of the consequences of making this statement. Respondent no. 2 shall cooperate in quashing of the present FIR. Respondent no. 2 shall also abide by all terms of the settlement. Respondent no. 2 shall not institute any other civil or criminal proceedings against the petitioners with respect to the facts and events for which the abovesaid FIR was registered.

Separate statement of petitioner no. 1 has been recorded in this effect.

Respondent no. 2 & petitioner no. 1 has been identified by his counsel.

This pre verified report along with the petition may be placed before the Hon'ble Court on **15th May, 2025** alongwith the statements recorded today.”

5. Petitioner no.1 & Respondent no. 2 are physically present before the Court while Petitioner nos. 1, 3 & 4 have entered their appearance through VC. They have been identified by their counsels



as well as by the Investigating Officer ASI Om Prakash, from PS Sarai Rohilla.

6. Respondent No.2 confirms that the matter has been settled with the petitioners without any force, fear, coercion and she is residing with the Petitioner No.1 in her matrimonial home. She further submits that she has no objection if the FIR No. 0228/2021 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. 0228/2021 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. 0228/2021, dated 30.04.2021,



2025:DHC:3826



registered at P.S Sarai Rohilla under sections 498A/406/34 IPC and all the other consequential proceeding emanating therefrom.

10. In the interest of justice, the petition is allowed, and the FIR No. 0228/2021, dated 30.04.2021, registered at P.S Sarai Rohilla under sections 498A/406/34 IPC along with the 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.

RAVINDER DUDEJA, J

MAY 15, 2025/AK

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