



2025:DHC:3871



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***IN THE HIGH COURT OF DELHI AT NEW DELHI**% *Date of decision: 16.05.2025*

+ CRL.M.C.2404/2025 & CRL.M.A. 10758/2025 EXEMPTION

PREM KUMAR AND ORS.

....Petitioners

Through: Mr. Vikas Bidhuri, Mr. Hasmukh Thakkar, Mr. Manish Kapoor, Ms. Kiran Bharti Adv, Mr. Veena Bahl & Ms. Parul Mittal. Advs. along with petitiones in person.

versus

THE STATE & ANR.

... Respondents

Through: Mr. Hitesh Vali, APP for the State with SI Sidharth, PS Hauz Khas. R-2 in person.

CORAM:-**HON'BLE MR. JUSTICE RAVINDER DUDEJA****JUDGMENT(ORAL)****RAVINDER DUDEJA, J.**

1. This petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeks quashing of FIR No. 336/2019 U/s 498-A/406/34 IPC P.S. Hauz Khas, and all proceedings arising therefrom pursuant to a settlement between the parties.

2. The marriage between Petitioner No.1 and Respondent No.2 was solemnized on 25.07.2015 as per Hindu rites and ceremonies at Delhi. Two children out of the wedlock, namely Rudra Solanki aged 5 years and Vaayu Solanki aged 1 year. It is submitted that due to temperamental differences, the couple started living separately. Thereafter, Respondent No.2 lodged the aforesaid FIR against Petitioner No. 1 and his family members.



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3. During the pendency of the proceedings, both parties entered into a settlement through the intervention of elders and well-wishers, and subsequently began residing together on 16.03.2023. However, the written settlement agreement is not on record. Nonetheless, Respondent No. 2 has placed her No-Objection Affidavit on record, which is annexed as Annexure C.

4. The matter was placed before the Joint Registrar on 08.04.2025, who has recorded the statements of both the parties and passed the following orders:-

“08.04.2025

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, 336/2019 Under Sections 498-A/406/34 of the Indian Penal Code registered at P.S. Hauz Khas on the basis of settlement arrived at between the parties.

2. As per the submissions, the matter between the petitioners and R-2 has been amicably settled.

3. Vide separate statement recorded in this behalf, petitioners stated that dispute between them and R-2 has been amicably settled as per the settlement dated 16.03.2023. The settlement has been arrived at between the parties herein without any force, coercion, undue influence and pressure. Vide separate statement recorded in this behalf, R-2 stated that dispute between R-2 and petitioners has been amicably settled as per the settlement dated 16.03.2023. The settlement has been arrived at between the parties herein without any force, coercion, undue influence and pressure.

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 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. *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 16.05.2025,"*

5. Petitioner nos. 1, 2 and respondent no.2 have entered their appearance through VC. They have been identified by their respective counsels as well as by the Investigating Officer SI Sidharth from PS Hauz Khas.

6. Respondent No. 2 confirms that she is residing with the petitioners and submits that the matter has been amicably settled with the Petitioners without any force, fear, or coercion. She has no objection to the terms and conditions mentioned in the Compromise/Settlement Deed dated 04.01.2024 and further submits that she has no objection if FIR NO, 336/2019 Under Sections 498-A/406/34 of the Indian Penal Code registered at P.S. Hauz Khas along with all pending proceedings arising therefrom, 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 FIR No. 336/2019 Under Sections 498-A/406/34 of the Indian Penal Code registered at P.S. Hauz Khas alongwith pending proceeding 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. 336/2019 Under Sections 498-A/406/34 of the Indian Penal Code registered at P.S. Hauz Khas and all the other consequential proceeding emanating therefrom.

10. In the interest of justice, the petition is allowed, and FIR No. 336/2019 Under Sections 498-A/406/34 of the Indian Penal Code registered at P.S. Hauz Khas along with 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 16, 2025/na