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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 6476/2019**

DEVENDER KUMAR Petitioner
Through: Mr.S.S. Yadav, Advocate

versus

STATE (GOVT. OF NCT OF DELHI) & ANR Respondents
Through: Mr.Kewal Singh Ahuja, APP for State
With SI Prem Chand, PS Alipur
None for the Respondent No.2

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CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER
% **30.01.2020**

Vide the present petition, the petitioner seeks quashing of the FIR No. 428//2013, PS Alipur registered under Sections 498A/406/34 of the Indian Penal Code, 1860. It is now submitted by the learned counsel for the petitioners that the petition is sought to be withdrawn by the learned counsel for the petitioner as the petition suffers from some technical defects.

In as much as the petition is premised on a settlement agreement dated 3.12.2018, in view of the Clause 9 thereof which reads to the effect:

*9. The above settlement is with respect to all claims of wife past, present and future alimony stridhan, maintenance, pending amount of maintenance, articles, property etc. and neither she nor her relatives shall claim anything from husband or his family members in future for herself **or on behalf, of child / children.***

whereby, the respondent No.2, i.e., the mother of the minor child born of the wedlock of the petitioner and the respondent No.2 has agreed initially to the effect that there would be no claims qua maintenance on behalf of the child from the petitioner, thus settling the rights of maintenance and otherwise of the minor. The said term is not in consonance with law as laid down by the Hon'ble Supreme Court in terms of the verdict of the Supreme Court dated 22.4.2019 in ***Ganesh V. Sudhir Kumar Shrivastava & Ors.***; Civil Appeal Nos. 4031-4032/2019 arising out of SLP(C) Nos. 32868-32869/2018 as adhered to and followed by this Court in ***Rakesh Jain & Ors. v. State and Anr.*** in CrI.M.C. No. 2935/2019. The learned counsel for the petitioners is thus apprised of the same that in the event of the petition being filed afresh after removal of the technical objection, affidavit of the petitioner specifying that he has no objections to the minor child seeking his claims against the petitioner qua maintenance or otherwise in accordance be filed.

The petition is thus dismissed as withdrawn with liberty granted, as prayed subject to the direction for adherence to the direction given herein.

ANU MALHOTRA, J

JANUARY 30, 2020/SV