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

+ **CRL.M.C. 230/2024**

RUPESH KUMAR MAHTO

..... Petitioner

Through: Mr. D.K. Sharma, Advocate
alongwith petitioners in person

versus

THE STATE NCT OF DELHI AND ANR.

..... Respondents

Through: Mr. Satish Kumar, APP for the State
with SI Ashish, P.S. Dabri and ASI
Sunita, P.S. Uttam Nagar
Respondent no. 2 in person

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

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10.01.2024

CRL.M.A. 905/2024 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

CRL.M.C. 230/2024

3. The instant petition under Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been filed on behalf of the petitioner seeking quashing of FIR bearing no. 943/2020 registered at Police Station Dabri, Delhi for offence punishable under Sections 498A/406/34 of the Indian Penal Code ('IPC') and all consequential proceedings emanating therefrom.
4. Issue notice. Mr. Satish Kumar, learned APP accepts notice on behalf



of the State.

5. Petitioners are present before this Court and have been identified by their counsel Mr. D.K. Sharma and Investigating Officer (IO) SI Ashish from Police Station Dabri, Delhi.

6. Brief facts of the case are that the marriage between the petitioner no. 1 and respondent no. 2 was solemnized on 25.06.2018 as per Hindu rites and custom. It is stated that no child was born out of the said wedlock. It is stated that due to some temperamental differences, both the parties started living separately from each other since 28.07.2018. On the complaint of respondent no. 2 before the CAW cell, Dwarka, New Delhi, the present FIR bearing no. 943/2020, was registered at Police Station Dabri, Delhi for offences punishable under Sections 498A/406/34 of IPC against the petitioners. After completion of investigation, the chargesheet was filed before the concerned Court and charges were framed against the petitioners. During pendency of the trial, with the intervention of family friends, common relatives and well wishers, parties arrived into an amicable settlement outside the Court *vide* Memorandum of Understanding dated 24.02.2023. Thereafter, both the parties had filed petition for divorce and had obtained decree of divorce from the Judge, Family Courts, Dwarka, New Delhi on 15.07.2023.

7. On a query made by this Court, respondent no.2 who has been identified by the IO, has categorically stated that she has entered into compromise out of her own free will and without any pressure, coercion or threat. It is also stated by respondent no.2 that the entire dispute has been amicably settled between the parties *vide* Memorandum of Understanding dated 24.02.2023 and that they have obtained decree of divorce by mutual



consent from the concerned Court.

8. It is submitted that respondent no.2 has settled all her claims in respect of her dowry articles, stridhan, marriage expenses, jewellery, gift items and claims of past, present and future maintenance and permanent alimony with petitioner no.1 and other family members.

9. The petitioner no. 1 had paid a sum of Rs. 6,00,000/- in three installments in the following manner:

- a. First installment of Rs. 2,00,000/- paid to respondent no. 2 at the time of recording of statement in the first motion petition.
- b. Second installment of Rs. 3,00,000/- paid to respondent no. 2 at the time of recording of statement in the second motion petition.
- c. Third/Final instalment of Rs. 1,00,000/- to be paid at the time of quashing of the FIR before the Hon'ble High Court at New Delhi.

10. Today, the complainant who is present in Court states that she has received the last and final instalment of Rs. 1,00,000/- today, i.e., 10.01.2024 *vide* DD No. 500677 dated 19.12.2023 drawn on ICICI Bank, Connaught Place, New Delhi, and has no objection if the FIR is quashed.

11. In view of the above fact that the parties have amicably resolved their differences of their own free will, and without any coercion, no useful purpose will be served by continuing the proceedings, rather the same would create further acrimony between them. It would thus be in interest of justice to quash the abovementioned FIR and the proceedings pursuant thereto. There is no legal impediment in quashing the FIR in question.

12. Accordingly, FIR bearing no. 943/2020 registered at Police Station



Dabri, Delhi for offence punishable under Sections 498A/406/34 of the IPC and all consequential proceedings emanating therefrom are quashed.

13. The present petition stands disposed of.
14. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

JANUARY 10, 2024/ns

[Click here to check corrigendum, if any](#)