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

+ **CRL.M.C. 487/2024**

KARTHIK BALAN AND ORS

..... Petitioners

Through: Mr Pulkit Dandona, Mr Krishan and
Ms Manju Bala, Advocates along
with petitioner no.1 in persona and
petitioner nos.2 and 3 through VC.

versus

THE STATE NCT OF DELHI AND ANR

..... Respondents

Through: Mr Raj Kumar, APP for the State
with W/SI Neeraj, PS Dwarka South.
Mr Rahul Rajpal and Mr A. A. Khan,
Advocates for respondent no.2 along
with respondent no.2 in person.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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22.01.2024

CRL.M.A. 1940/2024

1. Allowed, subject to all just exceptions.

CRL.M.C. 487/2024

2. The present petition has been filed under Section 482 CrPC seeking quashing of FIR No.0133/2021 under Sections 498A/406/34 IPC registered at Police Station Dwarka South, Delhi and all consequential proceedings emanating therefrom on the ground that the parties have arrived at a settlement.

3. Issue notice. The learned APP for the State accepts notice. He submits



that since the FIR is an outcome of a matrimonial dispute and the parties have arrived at a settlement, the State has no objection in case the FIR in question is quashed.

4. The petitioner no.1 (former husband), as well as, respondent no. 2 (former wife) are present in the Court whereas the petitioner nos.2 and 3 have joined through video conferencing. The parties have been identified by their respective counsel and by the Investigating Officer W/SI Neeraj, PS Dwarka South.

5. The brief facts of the case are that the marriage between the petitioner no.1 and respondent no. 2 was solemnized on 15.07.2012 according to Hindu Rites and Customs. No child was born out of the said wedlock.

6. On account of temperamental issues certain disputes arose between the parties and they started living separately w.e.f. 17.01.2017. The dispute between the parties also led to the registration of present FIR.

7. During the pendency of the proceedings, the parties have arrived at a settlement, terms whereof have been recorded in the judgment disposing of second motion petition. As per the terms of settlement, the parties have obtained a decree of divorce dated 02.06.2023, a copy of which is annexed as Annexure-3 (Colly.) at page 53 to the present petition.

8. It is a term of the settlement that the petitioner no.1 shall pay a total sum of Rs.15 lakhs to the respondent no.2 towards full and final settlement of all her claims on account of *streedhan*, permanent alimony, dowry articles, maintenance (past, present and future) etc. Out of the said amount, a sum of Rs. 10 lakhs have already been paid by the petitioner no.1 to the respondent no.2 in the manner as mentioned in the judgment disposing of second motion petition. The remaining amount of Rs.5 lakhs have been



paid to the respondent no.2 today in the court by the petitioner no.1 by way of Manager's Cheque bearing No.012180 dated 01.08.2023 subsequently revalidated by the bank on 18.11.2023 issued by HDFC Bank.

9. The receipt of entire amount of Rs.15 lakhs is acknowledged by the respondent no.2, who is present in court.

10. The respondent no.2, on a query put by the Court, states that she has no objection in case the FIR is quashed.

11. In view of the fact that the parties have arrived at a settlement, no useful purpose will be served in continuing the proceedings, rather the same would create further acrimony between them.

12. It is, thus, in the interest of justice that the present FIR and all the other proceedings emanating therefrom be quashed.

13. Consequently, the petition is allowed and the FIR No.0133/2021 under Sections 498A/406/34 IPC registered at Police Station Dwarka South, Delhi alongwith all other proceedings emanating therefrom, is quashed.

14. The petition stands disposed of in the above terms.

15. Order be uploaded on the website of this court.

VIKAS MAHAJAN, J

JANUARY 22, 2024
MK