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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 568/2024 & CRL.M.A. 2307/2024**

SANTOSH PRASAD

..... Petitioner

Through: Petitioner with his counsel Mr. Abhay
Gupta and Mr. Abhiraj Das, Advs.

versus

STATE OF NCT DELHI & ANR. & ORS.

..... Respondents

Through: Mr.Satish Kumar, APP for the State
along with Mr. Nazim Khan, Md.
Azhar Khan and Mr. Ashok Kumar
Shukla, Advs along with SI Vijay Pal
Singh, P.S. Nanak Pura.
R-2 with her counsel Mr. Ashish
Pandey, Adv.

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

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14.05.2024

1. The instant petition under Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been filed on behalf of petitioner seeking quashing of FIR bearing no. 190/2013 registered at Police Station, CAW Cell, Nanak Pura, Delhi for offences punishable under Sections 498A/406/34 of Indian Penal Code, 1860 ('IPC').
2. Issue notice. Mr. Satish Kumar, learned APP accepts notice on behalf of the State.
3. Petitioner is present before this Court and has been identified by his counsel Mr. Abhay Gupta and Investigating Officer (IO) SI Vijay Pal Singh from Police Station CAW Cell, Nanak Pura.
4. Brief facts of the present case are that the marriage between petitioner and respondent no. 2 was solemnized on 30.04.2012 as per Hindu rites and



ceremonies. No child was born out of the said wedlock. It is stated that due to some temperamental differences which had arisen between the parties, both the parties started living separately from each other since 15.09.2012. Thereafter, on 24.08.2013, respondent no. 2 had filed a complaint case under Section 12 PWDV Act pursuant to which the present FIR was registered against the petitioner for offence punishable under Sections 498A/406/34 of IPC. It is stated that both the parties have amicably and voluntarily settled their disputes *vide* settlement arrived at between them on 24.05.2022 before the Mediation Centre, Dwarka Courts, New Delhi and have obtained decree of divorce by way of mutual consent.

5. 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.

6. 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. It is further submitted that respondent No. 2 has withdrawn CC No.28388/2016 pending in the Court of Ms. Shivangi Vyas, learned MM, Mahila Courts, Patiala House, New Delhi.

7. The petitioner no. 1 had paid a sum of Rs.5,00,000/- in three installments in the following manner:

8. a. First installment of Rs.1,25,000/- paid to respondent no. 2 in the first motion petition.



b. Second installment of Rs.1,25,000/- paid to respondent no. 2 at the time of second motion.

c. Third installment of Rs.1,25,000/- to be paid at the time of quashing of the FIR before the Hon'ble High Court at New Delhi.

d. Fourth instalment of Rs.1,25,000/- at the time of withdrawal of the complainant case.

9. Today, the complainant who is present in Court states that she has received the last and final installment of Rs.1,25,000/- today, i.e., 14.05.2024 vide DD No. 547393 drawn on State Bank of India and has no objection, if the FIR is quashed.

10. 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.

11. Accordingly, FIR bearing no. 190/2013 registered at Police Station, CAW Cell, Nanak Pura, Delhi for offences punishable under Sections 498A/406/34 of the IPC and all consequential proceedings emanating therefrom are quashed.

12. In view of above, the petition stands disposed of.

13. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

MAY 14, 2024/A

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