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

+ **CRL.M.C. 839/2024**

NAND KISHORE SAHU

..... Petitioner

Through: Mr. Raghav Kapoor, Adv.

Versus

STATE & ANR.

..... Respondents

Through: Mr. Raj Kumar, APP for State with SI
Mahesh Kumawat, PS. Bhalswa
Dairy.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

15.03.2024

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CRL.M.A. 3367-68/2024(exemptions)

1. Allowed, subject to all just exceptions.
2. Applications stand disposed of.

CRL.M.C. 839/2024

3. The present petition has been filed under Section 482 CrPC seeking quashing of FIR No.345/2016 under Sections 498A/406/34 IPC registered at Police Station Bhalswa Dairy and all consequential proceedings emanating therefrom on the ground that the parties have arrived at a settlement.
4. 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.

5. The petitioner (former husband), as well as, respondent no. 2 (former wife) are present in the Court and they have been identified by their counsel and by the Investigating Officer SI Mahesh Kumawat, PS. Bhalswa Dairy.

6. The brief facts of the case are that the marriage between the petitioner and respondent no. 2 was solemnized on 13.05.2013 according to Hindu Rites and Customs. Out of the said wedlock, one male child, namely, Vansh Kishore Sahu was born on 02.05.2015, who is presently in the care and custody of the respondent no.2.

7. On account of temperamental issues certain disputes arose between the parties and they started living separately from each other since 2016. The dispute between the parties also led to the registration of present FIR.

8. During the pendency of the proceedings, the parties were referred to Delhi Mediation Centre, Rohini Court, New Delhi, where they arrived at a settlement, terms whereof were reduced in writing in the form of Settlement/Agreement dated 11.08.2023, which is annexed as Annexure E-4 to the present petition.

9. In terms of the said settlement, the parties decided to dissolve their marriage by filing a petition for divorce by way of mutual consent. Accordingly, the petitioner and respondent no.2 have obtained a decree of divorce dated 21.12.2023, which is annexed as Annexure E-6 to the present petition.

10. It is also a term of the settlement between the parties that the petitioner shall pay a total sum of Rs.27 lacs 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. As per the said



settlement, the petitioner has also agreed to transfer a house in the joint name of the respondent no.2 and their son, which bears no.228/2, Gali No.17, Mukand Pur Extn., Part-II, Delhi. Out of the aforesaid settlement amount, a sum of Rs. 7 lacs has already been paid by the petitioner to the respondent no.2 in the manner as mentioned in the settlement. The remaining amount of Rs. 20 lacs has been paid in the name of minor son Vansh Kishore Sahu today in the Court by the petitioner by way of Deposit Confirmation/Renewal Advice dated 06.03.2024 issued by Yes Bank, Bareilly Branch, Uttar Pradesh (Customer ID:19632665, Account No./Dep No. 007440400119191/1, Deposit Type: FD- Reinvestment Resident, Interest Frequency: At maturity in the name of Master Vansh Kishore Sahu).

11. The learned counsel for the petitioner submits that the property has already been transferred in the joint name of the respondent no.2 and the minor son, which fact is also affirmed by the respondent no.2.

12. The receipt of entire amount of Rs.27 lacs is also acknowledged by the respondent no.2, who is present in court.

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

14. 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.

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

16. Consequently, the petition is allowed and the FIR No.345/2016 under Sections 498A/406/34 IPC registered at Police Station Bhalswa Dairy alongwith all other proceedings emanating therefrom, is quashed.



17. The petition stands disposed of in the above terms.
18. Order be uploaded on the website of this court.

VIKAS MAHAJAN, J

MARCH 15, 2024/dss