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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 06.02.2024

+ CRL.M.C. 923/2024

MUKESH KUMAR & ORS.

..... Petitioners

Through: Mr. Pawan Kumar, Advocate with
Petitioners-in-person.

versus

THE STATE & ANR.

..... Respondents

Through: Ms. Kiran Bairwa, APP with ASI Shiv
Dutt, PS: Kotla Mubarak Pur.
with Respondent No. 2-in-person.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

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J U D G M E N T

ANOOP KUMAR MENDIRATTA, J (ORAL)

CRL.M.A. 3715/2024

Exemption allowed, subject to just exceptions.

Application stands disposed of.

CRL.M.C. 923/2024

1. Petition under Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been preferred on behalf of the petitioners for quashing of FIR No. 0253/2021, under Sections 498A/406/34 IPC, registered at PS: Kotla Mubarak Pur, Delhi and the proceedings emanating therefrom.
2. Issue notice. Learned APP for the State and learned counsel for respondent No. 2 along with respondent No. 2 in-person appear on advance notice and accept notice.
3. In brief, as per the case of the petitioners, marriage between petitioner



No. 1 and respondent No. 2 was solemnized according to Hindu rites and ceremonies on 23.01.2019. A child namely master 'J' was born out of the wedlock on 14.05.2020. Due to temperamental differences, respondent No. 2 and petitioner No. 1 started living separately since 21.08.2020 and on complaint of respondent No. 2, present FIR was registered. Proceedings are stated to be pending before Ms. Sanghmitra, learned MM, (Mahila Court), South East District, Saket Courts Complex, Saket, New Delhi.

4. The matter is stated to have been amicably resolved between the parties in terms of Memorandum of Understanding / settlement deed dated 17.04.2023. The marriage between petitioner No. 1 and respondent No. 2 is stated to have been dissolved by way of mutual consent under Section 13B(2) of the Hindu Marriage Act as per decree of divorce dated 01.08.2023.

5. A balance amount of Rs. 1,00,000/- has been paid to respondent No. 2 today through Bankers Cheque No. 398989 dated 16.10.2023 drawn on State Bank of India, R. K. Puram, New Delhi Branch in favour of respondent No. 2 towards full and final settlement between the parties.

6. Learned APP for the State submits that in view of amicable settlement between the parties, the State has no objection in case the FIR in question is quashed. Petitioner No. 2 is state to have expired.

7. Petitioner Nos. 1, 3 and 4 and respondent No. 2 are present in the court today and have been identified by ASI Shiv Dutt, PS: Kotla Mubarakpur, Delhi. I have interacted with the parties and they confirm that the matter has been amicably settled between them without any threat, pressure or coercion. Respondent No. 2 also states that nothing remains to be further adjudicated upon between the parties and she has no objection in case the FIR in question is quashed.



8. Considering the facts and circumstances, since the matter has been amicably settled between the parties, no useful purpose shall be served by keeping the case pending. It would be nothing but an abuse of the process of Court. Consequently, FIR No. 0253/2021 under Sections 498A/406/34 IPC registered at PS: Kotla Mubarak Pur, Delhi and proceedings emanating therefrom stand quashed.

Petition is accordingly disposed of. Pending application, if any, also stands disposed of.

A copy of this order be forwarded to the learned Trial Court for information.

ANOOP KUMAR MENDIRATTA, J.

FEBRUARY 06, 2024/R