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

+ **CRL.M.C. 933/2024**

CHETAN DIWAKAR & ORS.

..... Petitioners

Through: Mr Gaurav Soni, Advocate along with
petitioners in person.

versus

THE STATE NCT OF DELHI AND ANR.

..... Respondents

Through: Mr Hemant Mehla, APP for the State
with SI Sandeep, Police Station Dabri
and ASI Harvinder Kumar, Police
Station Dwarka North.
Mr Sushant Chand, Advocate for R-2
along with R-2 in person.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

06.02.2024

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1. The present petition has been filed under Section 482 CrPC seeking quashing of FIR No.0753/2018 under Sections 498A/406/34 IPC registered at Police Station Dabri, and all consequential proceedings emanating therefrom on the ground that the parties have arrived at a settlement.
2. 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.
3. The petitioner no.1 (former husband) and petitioner nos.2 and 3, who are close relatives of the petitioner no.1, as well as, respondent no. 2 (former



wife) are present in the Court and they have been identified by their respective counsel and by the Investigating Officer SI Sandeep, Police Station Dabri and ASI Harvinder Kumar, Police Station Dwarka North.

4. The brief facts of the case are that the marriage between the petitioner no.1 and respondent no. 2 was solemnized on 04.02.2016 according to Hindu Rites and Customs. No child was born out of the said wedlock.

5. On account of temperamental issues certain disputes arose between the parties and they started living separately w.e.f. 18.07.2017. The dispute between the parties also led to the registration of present FIR.

6. During the pendency of the proceedings, the parties were referred to Mediation Centre, Dwarka Courts, New Delhi, where they arrived at a settlement, terms whereof were reduced in writing in the form of Settlement dated 11.09.2019, which is at page 39 of the present petition.

7. 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 no.1 and respondent no.2 have obtained a decree of divorce dated 12.01.2021, which is annexed at page 60 of the present petition.

8. It is a term of the settlement between the parties that the petitioner no.1 shall pay a total sum of Rs.3,00,000/- 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.2,00,000/- has already been paid by the petitioner no.1 to the respondent no.2 in the manner as mentioned in the settlement. The remaining amount of Rs.1,00,000/- has been paid to the respondent no.2 today by the petitioner no.1 through three UPI transactions



bearing IDs 403756784742, 40375690635 and 403757106241.

9. It is a term of the settlement that apart from the settlement amount of Rs.3,00,000/-, the petitioner shall also return the jewellery articles of the respondent no.2, which are also handed over by the petitioner no.1 to the respondent no.2 today in the Court.

10. The receipt of entire amount of Rs.3,00,000/-, as well as, the jewellery articles weighting 15 grms, is acknowledged by the respondent no.2, who is present in court.

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

12. 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.

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

14. Consequently, the petition is allowed and the FIR No.0753/2018 under Sections 498A/406/34 IPC registered at Police Station Dabri, alongwith all other proceedings emanating therefrom, is quashed.

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

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

VIKAS MAHAJAN, J

FEBRUARY 6, 2024
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