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

+ **W.P.(CRL) 402/2024**

JATINDER KUMAR & ORS.

..... Petitioners

Through: Mr. Abhishek Singh, Adv.

versus

STATE NCT OF DELHI AND ANR.

..... Respondents

Through: Mr. Sanjay Lao, SC for State with
Ms. Priyam Aggarwal, Adv. with SI
Mohit Bamel, PS. Aman Vihar.
Mr. Parth Dixit, Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

18.03.2024

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CRL.M.A. 3709/2024 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

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3. The present petition has been filed under Articles 226 and 227 of the Constitution of India read with Section 482 CrPC seeking quashing of FIR No.15/2020 under Sections 498A/406/34 IPC registered at Police Station Aman Vihar and all consequential proceedings emanating therefrom on the ground that the parties have arrived at a settlement.
4. Issue notice. The learned Standing Counsel 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 no.1 (former husband), as well as, respondent no. 2 (former wife) have joined through VC and they have been identified by their respective counsel and by the Investigating Officer SI Mohit Bamel, PS. Aman Vihar.

6. The brief facts of the case are that the marriage between the petitioner no.1 and respondent no. 2 was solemnized on 30.06.2016 according to Hindu Rites and Customs. Out of the said wedlock, one girl child, namely, Saavi Kumar was born on 16.06.2017, 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 w.e.f. January 2020. The dispute between the parties also led to the registration of present FIR.

8. During the pendency of the proceedings, the parties arrived at a settlement, terms whereof were reduced in writing in the form of Compromise-Cum-Settlement Deed in August 2023, which is annexed as Annexure H 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 no.1 and respondent no.2 have obtained a decree of divorce dated 13.10.2023, which is annexed as Annexure I to the present petition.

10. The learned counsel for the parties submits that the aforesaid agreement entered into between the petitioner no.1 and the respondent no.2 shall not affect or prejudice the rights of the minor child of the parties either to claim maintenance or share in the movable/immovable properties of her



parents.

11. It is also a term of the settlement between the parties that the respondent no.2 has waived all her claims towards full and final settlement on account of *streedhan*, permanent alimony, dowry articles, maintenance (past, present and future) etc. without any monetary consideration. This fact is affirmed by the respondent no.2, who has joined through VC.

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

13. 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.

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

15. Consequently, the petition is allowed and the FIR No.15/2020 under Sections 498A/406/34 IPC registered at Police Station Aman Vihar alongwith all other proceedings emanating therefrom, is quashed.

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

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

VIKAS MAHAJAN, J

MARCH 18, 2024/dss