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

+ **W.P.(CRL) 460/2023**

MOHIT AND ORS.

..... Petitioners

Through: Mr. Rahul Kumar and Mr. Rahul
Shah, Advocates

versus

STATE OF NCT OF DELHI THROUGH SHO PS MUKHERJEE

NAGAR AND ANR.

..... Respondents

Through: Mr. Amol Sinha, ASC for the State
with SI Manisha, P.S. Mukherjee
Nagar.

Mr. Jaibhagwan, Mr. Rajeev Pratap
Singh, Mr. Sumit Verma and Mr.
Gaurav Chauhan, Advocates for R-2
along with R-2.

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

24.01.2024

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1. The instant petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been filed on behalf of petitioners seeking quashing of FIR bearing no. 354/2021, registered at Police Station Mukherjee Nagar, Delhi, for offences punishable under Sections 498A/406/34 of Indian Penal Code, 1860 ('IPC') and all consequential proceedings emanating therefrom.

2. Issue notice. Mr. Amol Sinha, learned ASC accepts notice on behalf of State.



3. Petitioners are present before this Court and have been identified by their counsel Mr. Rahul Kumar and Investigating Officer (IO) SI Manisha from Police Station Mukherjee Nagar, Delhi.

4. Brief facts of the case are that the marriage between petitioner no. 1 and respondent no. 2 was solemnized on 18.01.2019. No child was born out of the said wedlock. Due to temperamental differences, both the parties started living separately since February, 2019. On the complaint of respondent no. 2, the present FIR bearing no. 354/2021, was registered at Police Station Mukherjee Nagar, Delhi, for offences punishable under Sections 498A/406/34 of IPC against the petitioners. It is stated that both the parties have dissolved their marriage by mutual consent. It is stated that the entire dispute has been amicably settled between the parties *vide* Settlement Deed dated 07.03.2022.

5. On a query made by this Court, respondent no.2 (through VC) 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. Respondent no. 2 further stated that she has no objection if the FIR is quashed.

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.

7. The petitioner no. 1 had paid a sum of Rs. 6,50,000/- in three installments in the following manner:

a. First installment of Rs.2,00,000/- paid to respondent no. 2 in the



first motion petition.

b. Second installment of Rs.2,00,000/- paid to respondent no. 2 at the time second motion petition.

c. Third/Final instalment of Rs.2,50,000/- to be paid at the time of quashing of the FIR before the Hon'ble High Court at New Delhi.

8. Today, the complainant who is present in Court states that she has received the last and final instalment of Rs.2,00,000/- today, i.e., 24.01.2024 *vide* DD No. 626060 drawn on Sarva Haryana Gramin Bank, Bahadurgarh, Jhajjar, Haryana and has no objection if the FIR is quashed.

9. 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.

10. Accordingly, FIR bearing no. 354/2021, registered at Police Station Mukherjee Nagar, Delhi, for offences punishable under Sections 498A/406/34 of the IPC and all consequential proceedings emanating therefrom are quashed.

11. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

JANUARY 24, 2024/zp

Click here to check corrigendum, if any