



\$~84

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 1110/2024, CRL.M.A. 4388/2024**

AMIT SONI ALIAS AMIT KUMAR & ORS. Petitioners
Through: Mr. Sandeep Jain, Advocate with
petitioners in person.

versus

THE STATE & ANR. Respondents
Through: Mr. Laksh Khanna, APP for State
with SI Amit Beniwal, P.S. Vivek
Vihar.
Ms. Shifa Khan and Ms. Rubeena
Khan, Advocates for respondent No.2
with respondent No.2 in person.

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER
12.02.2024

%

1. The present petition has been filed under Section 482 Cr.P.C. on behalf of the petitioners seeking quashing of FIR No. 371/2018 registered under Sections 498-A/406/34 IPC at P.S. Vivek Vihar, Delhi on the ground that the parties have amicably settled their disputes.
2. The present FIR is an outcome of a matrimonial dispute between the complainant/respondent No. 2 (wife) and petitioner No. 1 (husband) and petitioner Nos. 2 and 3 who are mother-in-law and brother-in-law of the complainant.
3. Mr. Khanna, learned APP for the State submits that in the present case petitioners are the only accused persons and respondent No. 2 is the complainant/victim.



4. Learned counsel for the petitioners submits that the parties have settled their disputes before the Delhi Mediation Centre on 30.03.2022. In terms of the settlement, the parties have already been granted divorce by mutual consent vide divorce decree dated 28.07.2023 passed by the Family Court, Karkardooma Court, Delhi in HMA No. 1070/2023. In terms of the settlement, it is agreed between the parties that petitioner No.1 shall pay a sum of Rs.3,00,000/- as full and final settlement to respondent No. 2 towards all her claims qua maintenance, stridhan, alimony, etc. It is further submitted that out of the total settled amount, a sum of Rs.2,00,000/- has already been paid and remaining balance amount of Rs.1,00,000/- is being paid today to the respondent No.2 through a demand draft, photocopy of which has been placed on record.

5. Learned counsel for the petitioners further informs that there is a minor child out of the wedlock and submits that petitioner No.1 has filed an affidavit in terms of the decision of the Supreme Court in Ganesh v. Sudhirkumar Shrivastava and Others 2019 SCC OnLine SC 1107 thereby stating that the terms of the MOU executed between the parties shall not bind the rights of their minor child namely *Abhishek @ Sahil*.

6. Petitioners and respondent No.2, who are present in Court, have been identified by their respective counsel as well as by I.O./SI Amit Beniwal, P.S. Vivek Vihar.

7. Respondent No. 2 states that she has settled her disputes with petitioner No.1 of her own free will, volition and without any coercion. She also acknowledges the receipt of entire settled amount and submits that she has no objection in case the FIR is quashed against the petitioners subject to encashment of the demand draft of Rs.1,00,000/- handed over to her today.



8. Learned counsel for the petitioners submits that no other proceedings are pending between the parties.

9. The parties shall remain bound by the statements and undertaking made in Court today.

10. In view of the above facts and since no useful purpose will be served in continuance of the present criminal proceedings, it is directed that the aforesaid FIR and the consequent proceedings arising therefrom are hereby quashed, subject to encashment of aforesaid demand draft of Rs.1 lac.

11. With the above directions, the petition is disposed of.

Dasti.

MANOJ KUMAR OHRI, J

FEBRUARY 12, 2024

ga