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

+ **CRL.M.C. 1117/2024**

SATENDER ALIAS SATENDRA KUMAR & ORS. Petitioners

Through: Mr. H.L. Dagar and Mr. Vikas Hooda, Advocates alongwith petitioners in person

versus

STATE GOVT OF NCT DELHI & ANR. Respondents

Through: Mr. Satish Kumar, APP for the State with SI Rakesh, P.S. Fatehpur Beri. Ms. Shilpi Singh, Advocate for R-2 alongwith R-2 in person.

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER
12.02.2024

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CRL.M.A. 4403/2024 (exemption)

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

CRL.M.C. 1117/2024

1. The instant petition under Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been filed on behalf of the petitioners seeking quashing of FIR bearing no. 348/2018 registered at Police Station Fatehpur Beri, Delhi for offence punishable under Sections 498A/406/506/34 of the Indian Penal Code ('IPC') and all consequential proceedings emanating therefrom.
2. Issue notice. Mr. Satish Kumar, learned APP accepts notice on behalf



of the State.

3. Petitioners are present before this Court and have been identified by their counsel Mr. H.L. Dagar and Investigating Officer (IO) SI Rakesh from Police Station Fatehpur Beri, Delhi.

4. Brief facts of the case are that the marriage between the petitioner no. 1 and respondent no. 2 was solemnized on 16.05.2010 as per Hindu rites and ceremonies. It is stated that no child was born out of the said wedlock. It is stated that due to some temperamental differences, both the parties started living separately from each other since 27.12.2017. It is stated that on 08.05.2017, respondent no. 2 had made a written complaint before the CAW Cell, (South), Old Malviya Nagar Police Station Building, New Delhi, upon which the present FIR bearing no.348/2018, was registered at Police Station Fatehpur Beri, Delhi for offences punishable under Sections 498A/406/34 of IPC against the petitioners. After completion of investigation, the chargesheet was filed before the concerned Court. During pendency of the trial, matter was referred to the Mediation Centre, Saket Court to explore the possibility of amicable settlement wherein both the parties had settled all their disputes *vide* Mediation Settlement dated 18.04.2023. Thereafter, both the parties had filed petition for divorce and had obtained decree of divorce from the Judge, Family Courts (South), Saket Court Complex, New Delhi on 26.07.2023.

5. On a query made by this Court, respondent no.2 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 *vide* Mediation Settlement dated



18.04.2023 and that they have obtained decree of divorce by mutual consent from the concerned Court.

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. 4,50,000/- in three installments in the following manner:

- a. First installment of Rs. 1,50,000/- paid to respondent no. 2 at the time of recording of statement in the first motion petition.
- b. Second installment of Rs. 1,50,000/- paid to respondent no. 2 at the time of recording of statement in the second motion petition.
- c. Third/Final instalment of Rs. 1,50,000/- to be paid at the time of quashing of the FIR before the Hon^{ble} High Court at New Delhi.

10. Today, the complainant who is present in Court states that she has received the last and final instalment of Rs. 1,50,000/- today, i.e., 12.02.2024 *vide* DD No. 010947 dated 15.01.2024 drawn on IDBI Bank, Paradise Plaza, Old GT Road, near Arora Nursing Home, Palwal, Haryana-121102 and has no objection if the FIR is quashed.

11. 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.

12. Accordingly, FIR bearing no. 348/2018 registered at Police Station Fatehpur Beri, Delhi for offence punishable under Sections 498A/406/506/34 of the IPC and all consequential proceedings emanating therefrom are quashed.

13. The present petition stands disposed of.

14. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

FEBRUARY 12, 2024/ns

Click here to check corrigendum, if any