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

+ **W.P.(CRL) 491/2024**

ANSHUL AGGARWAL

.....Petitioner

Through: Ms. Preeti Jakher, Mr. Ratan Kumar Singh, Ms. Purvi Jalan, Mr. Reena Singh & Ms. Laimoh Rani Boro, Advocates with petitioner in person.

versus

THE STATE GOVT OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Anand V Khatri, ASC, Crl. for State.

Respondent No. 2 in person.

W/S.I. Neetu, PS Bindapur, Delhi.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

15.07.2024

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1. The present Petition under Article 226 of the Constitution of India has been filed on behalf of the petitioner seeking to quash the FIR No. 1128/2020 registered under Sections 498A/406/34 of the Indian Penal Code, 1860 (*hereinafter referred to as "IPC, 1860"*) at Police Station Bindapur, Delhi.
2. Issue notice.
3. Mr. Anand V Khatri, learned Additional Standing Counsel appearing on advance notice, accepts notice on behalf of the State.
4. Brief facts of the case are that the marriage was solemnized between petitioner and respondent No. 2 on 23.04.2017 according to Hindu rites and



ceremonies and a boy child born from the said wedlock.

5. It is further submitted that on 01.12.2022, the respondent No. 2 lodged a Complaint bearing No. 1230/2022 with the Crime Against Woman Cell, Kirti Nagar, Delhi.

6. It is also submitted that on 21.11.2020 on the complaint of respondent No. 2, an FIR bearing No. 1128/2020 under Sections 498A/406/34 of the IPC, 1860 got registered at Police Station Bindapur, Delhi.

7. It is submitted that during the pendency of the litigations, with the efforts of relatives and common friends, the parties have amicably settled all the disputes and differences between them *vide* Settlement Agreement dated 07.10.2023 in Counselling Cell, Family Courts, Dwarka Courts, Delhi which *inter alia* states that: -

- (i) That the respondent No. 2/wife and the petitioner/husband shall dissolve their marriage by decree of mutual consent under Section 13(B) of Hindu Marriage Act, 1955,
- (ii) That the petitioner shall not pay any amount to the respondent No. 2/wife towards full and final settlement,
- (iii) That the custody of son, Swastik shall remain with the respondent No. 2/wife and the petitioner shall have visitation rights to meet the child once in a year at a mutually agreed place and time,
- (iv) That all the pending cases against the petitioner shall be withdrawn by the respondent No. 2.

8. It is also stated that the marriage between the petitioner and the respondent No. 2/wife has been dissolved *vide* Decree of Divorce dated 22.12.2023.

9. In view of the Settlement Agreement dated 07.10.2023, the present



petition has been filed.

10. The petitioner and the respondent No. 2/wife are present before this Court in-person today, and they have been identified by their counsel and Investigating Officer concerned.

11. The parties have submitted that all the disputes have been amicably settled *vide* Settlement Agreement dated 07.10.2023 and thus, no fruitful purpose will be served in continuing with the FIR.

12. However, without prejudice to the rights and contentions of the petitioner, he may seek custody of the child in accordance with law.

13. The present petition has been signed by the petitioner and is supported by affidavits of petitioner and the respondent No. 2/wife. The parties have reaffirmed the terms of the settlement and they also submit that the said settlement has been arrived at between the parties without any pressure and coercion.

14. Today, the complainant/respondent No. 2/wife, who is present in Court, states that she has received all amounts due to her and has no objection if the FIR is quashed.

15. In view of the above facts that the parties have amicably resolved their differences out of their own free will and without any coercion and also the fact that the present matter is a family matter, no useful purpose will be served in continuing with the proceedings, rather the same would create further acrimony between them. Hence, it would be in the interest of justice to quash the abovementioned FIR and the proceedings pursuant thereto.

16. Moreover, there is no legal impediment in quashing the FIR in question.

17. Accordingly, FIR bearing No. 1128/2020 registered at Police Station



Bindapur, Delhi, for offences punishable under Sections 498A/406/34 of IPC, 1860 and all consequential proceedings emanating therefrom are quashed.

18. The petition stands disposed of.

NEENA BANSAL KRISHNA, J

JULY 15, 2024

S.Sharma