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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL. M.C. 1227/2024**

AMAR GUPTA & ORS.

..... Petitioners

Through: Ms.Sonia Arora and Mr.Nitin Arora,
Advocates alongwith petitioners in
person.

versus

STATE (GOVT. OF NCT OF DELHI) & ANR. Respondents

Through: Mr.Anand V.Khatri, ASC, GNCTD
with SI Krantiveer Singh, P.S. Madhu
Vihar.
Mr.Yogender Kr.Sharma, Advocate
alongwith respondent No.2 in person.

CORAM:

HON'BLE MR.JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

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24.04.2024

CRL.M.A. 11905/2024

Exemption allowed, subject to just exceptions.

Application stands disposed of.

CRL.M.C. 1227/2024

1. 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 preferred on behalf of the petitioners for quashing of FIR No. 357/2022 dated 20.06.2022 under Sections 498A/406/34 Indian Penal Code, 1860 ('IPC') registered at P.S.: Madhu Vihar and proceedings emanating therefrom.
2. Issue notice. Learned APP for the State and learned counsel for respondent No.2 alongwith respondent No.2 in person appear on advance



notice and accept notice.

3. In brief, as per the case of the petitioners, marriage between petitioner No.1 and respondent No.2 was solemnized according to Hindu rites and ceremonies on 05.02.2017. A child was born out of the wedlock. Due to temperamental differences, respondent No.2 and petitioner No.1 started living separately since 09.06.2020. Subsequently, present FIR was registered on the complaint of respondent No.2, on 20.06.2022.

4. However, the disputes are stated to have been amicably settled between the parties *vide* Settlement Deed dated 09.06.2023. The marriage between petitioner No.1 and respondent No.2 has been dissolved by decree of divorce by way of mutual consent under Section 13B(2) of the Hindu Marriage Act, 1955 *vide* judgment dated 10.01.2024.

5. Total settlement amount of Rs.6,00,000/- was to be paid by the petitioners to respondent No.2 in three instalments. The amount of Rs.4,00,000/- has already been paid and the balance amount of Rs.2,00,000/- has been paid to respondent No.2 today through DD No. 062735 dated 22.04.2024 drawn on Axis Bank Ltd, Janakpuri, New Delhi Branch in favour of respondent No.2.

6. Learned APP for the State submits that in view of amicable settlement between the parties, the State has no objection in case the FIR in question is quashed.

7. Petitioners and respondent No.2 are present in person and have been identified by SI Krantiveer Singh, P.S.: Madhu Vihar. I have interacted with the parties and they confirm that the matter has been amicably settled between them without any threat, pressure or coercion. Respondent No. 2 also states that nothing remains to be further adjudicated upon between the parties and she has no objection in case the FIR in question is quashed.



8. Considering the facts and circumstances, since the matter has been amicably settled between the parties, no useful purpose shall be served by keeping the case pending. It would be nothing but an abuse of the process of Court. Consequently, FIR No. 357/2022 dated 20.06.2022 under Sections 498A/406/34 IPC registered at P.S.: Madhu Vihar and the proceedings emanating therefrom stand quashed.

9. It is made clear that in view of the dictum of the Hon'ble Supreme Court in the case of ***Ganesh v. Sudhirkumar Shrivastava and Others***¹, the terms of settlement between petitioner No.1 and respondent No.2 will not come in the way of their child enforcing his rights against the parties, if and when he chooses to do so.

10. Petition is accordingly disposed of. Pending applications, if any, also stand disposed of.

PURUSHAINDRA KUMAR KAURAV, J.

APRIL 24, 2024/v

¹ (2020) 20 SCC 787