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

% Date of Decision: 15.02.2024

\+ CRL.M.C. 1239/2024

LOKESH MAMTANI & ORS. ..... Petitioners

Through: Mr. Ashish Tilwani and Mr. Chandan Prajapati, Advocates with Petitioners in-person.

versus

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

Through: Ms. Kiran Bairwa, APP for State with SI Chulhan Prasad Yadav, PS: Bharat Nagar, Delhi.
Mr. Brijendra Pratap Singh, Advocate for R-2 with R-2-in-person.

CORAM:
HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

% J U D G M E N T

ANOOP KUMAR MENDIRATTA, J (ORAL)

1. Petition under 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. 0398/2023, under Sections 498A/406/34 IPC registered at P.S.: Bharat Nagar, Delhi and the proceedings emanating therefrom.

2. Issue notice. Learned APP for the State and learned counsel for respondent No. 2 along with 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

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ceremonies on 28/06/2021 at Gurudwara Sri Guru Singh Sabha, Rajouri Garden, New Delhi. No child was born out of the wedlock. Due to temperamental differences between petitioner No. 1 and respondent No. 2, they started living separately since 12.12.2021. On complaint of respondent No. 2, present FIR was registered on 18.05.2023.

4. The matter is stated to have been amicably resolved between the parties in terms of Settlement Deed dated 13.09.2023. The marriage has been further dissolved by decree of divorce by way of mutual consent under Section 13B(2) of the Hindu Marriage Act on 08.01.2024.

5. Balance amount of Rs. 4,00,000/- has been paid to respondent No. 2 through Demand Draft No. 515897 dated 09.02.2024 drawn on ICICI Bank, Rajinder Nagar Branch, towards full and final settlement between the parties.

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 as well as respondent No. 2 are present in person and have been identified by SI Chulhan Prasad Yadav, PS: Bharat Nagar, Delhi. 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. 0398/2023, under Sections 498A/406/34 IPC

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registered at P.S.: Bharat Nagar, Delhi and the proceedings emanating therefrom stand quashed.

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

A copy of this order be forwarded to the learned Trial Court for information.

ANOOP KUMAR MENDIRATTA, J.

FEBRUARY 15, 2024*/R*

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