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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 19.02.2024

+ CRL.M.C. 1323/2024

VINAY NIRWAN & ORS.

..... Petitioners

Through: Mr.Pankaj Rai and Mr.Sanjay Sharma,
Advocates alongwith petitioners in
person.

versus

THE STATE (GNCT OF DELHI)

THROUGH SHO, P.S. KALKAJI & ANR.

..... Respondents

Through: Ms. Kiran Bairwa, APP for the State
with SI Mahesh Kumar, PS Kalkaji.
Mr.B.B.Pradhan, Mr.Saurav Padhi and
Mr.Kishor Kumar, Advocates
alongwith respondent No.2 in person.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

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J U D G M E N T**ANOOP KUMAR MENDIRATTA, J (ORAL)****CRL.M.A. 5201/2024**

Exemption allowed, subject to just exceptions.

Application stands disposed of.

CRL.M.C. 1323/2024

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. 0561/2021, under Sections 498A/406/34 IPC registered at P.S.: Kalkaji 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 10.02.2019. No child was born out of the wedlock. Due to temperamental differences, respondent No.2 and petitioner No.1 started living separately since 19.05.2020. Present FIR was lodged on the complaint of respondent No. 2 on 11.08.2021.
4. The matter has been amicably resolved between the parties vide Settlement Agreement dated 06.05.2023 arrived at Mediation Centre, Saket Courts, New Delhi. 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 vide judgment dated 12.10.2023. An amount of Rs. 4,00,000/- out of total settlement amount of Rs.10,00,000/- has been paid today to respondent No. 2 through Cheque No.000792 dated 17.02.2024 drawn on HDFC Bank in favour of respondent No. 2.
5. 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.
6. Petitioners as well as respondent No. 2 are present in person and have been identified by SI Mahesh Kumar, PS: Kalkaji. 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.

7. 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. 0561/2021, under Sections 498A/406/34 IPC registered at P.S.: Kalkaji and the proceedings emanating therefrom stand quashed.

Petition is accordingly disposed of. Pending application, if any, also stands disposed of.

ANOOP KUMAR MENDIRATTA, J.

FEBRUARY 19, 2024/v