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

+ **W.P.(CRL) 636/2024**

SH AMIT KUMAR BHATIA

..... Petitioner

Through: Mr. Bilis and Ms. Rakhi, Advs. along
with petitioner in person.

versus

THE STATE & ANR.

..... Respondents

Through: Mr. Sanjay Lao, SC for State with
Mr. Shivesh Kaushik and Mr.
Abhinav Kumar Arya, Advs. with
ASI Sanjay, PS. Sarai Rohilla.
Mr. Rohit Sharma, Adv. for R-2 along
with R-2 in person.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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23.02.2024

CRL.M.A. 5921/2024 (exemption)

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

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3. The present petition has been filed under Article 226 of the Constitution of India read with Section 482 CrPC seeking quashing of FIR No.583/2021 under Sections 498A/406/34 IPC registered at Police Station Sarai Rohilla and all consequential proceedings emanating therefrom on the ground that the parties have arrived at a settlement.
4. Issue notice. The learned Standing Counsel for the State accepts notice. He submits that since the FIR is an outcome of a matrimonial dispute and the parties have arrived at a settlement, the State has no objection in case the FIR in question is quashed.



5. The petitioner (former husband), as well as, respondent no. 2 (former wife) are present in the Court and they have been identified by their counsel and by the Investigating Officer with ASI Sanjay, PS. Sarai Rohilla.
6. The brief facts of the case are that the marriage between the petitioner and respondent no. 2 was solemnized on 13.11.2013 according to Hindu Rites and Customs. Out of the said wedlock, two children namely Disha (daughter aged about 9 years old) and Rudra (son aged about 3 years old) were born, who are presently in the care and custody of the respondent no.2/mother.
7. On account of temperamental issues certain disputes arose between the parties and they started living separately w.e.f. 02.10.2019. The dispute between the parties also led to the registration of present FIR.
8. During the pendency of the proceedings, the parties were referred to Counselling Cell, Family Court, where they arrived at a settlement, terms whereof were reduced in writing in the form of Settlement dated 22.05.2023, which is annexed as Annexure P-2 to the present petition.
9. In terms of the said settlement, the parties decided to dissolve their marriage by filing a petition for divorce by way of mutual consent. Accordingly, the petitioner and respondent no.2 have obtained a decree of divorce dated 17.10.2023, which is annexed as Annexure P-3 to the present petition.
10. It is also a term of the settlement between the parties that the petitioner shall pay a total sum of Rs.4 lacs to the respondent no.2 towards full and final settlement of all her claims on account of *streedhan*, permanent alimony, dowry articles, maintenance (past, present and future) etc. Out of the said amount, a sum of Rs. 3 lacs has already been paid by the



petitioner to the respondent no.2 in the manner as mentioned in the settlement. The remaining amount of Rs. 1 lac has been paid to the respondent no.2 today in the court by the petitioner by way of Demand Draft bearing No.358152 dated 22.02.2024 issued by Canara Bank., Sadar Bazar, New Delhi.

11. The receipt of entire amount of Rs.4 lacs is acknowledged by the respondent no.2, who is present in court.

12. The respondent no.2, on a query put by the Court, states that she has no objection in case the FIR is quashed.

13. In view of the fact that the parties have arrived at a settlement, no useful purpose will be served in continuing the proceedings, rather the same would create further acrimony between them.

14. It is, thus, in the interest of justice that the present FIR and all the other proceedings emanating therefrom be quashed.

15. Consequently, the petition is allowed and the FIR No.583/2021 under Sections 498A/406/34 IPC registered at Police Station Sarai Rohilla alongwith all other proceedings emanating therefrom, is quashed.

16. The petition stands disposed of in the above terms.

17. Order be uploaded on the website of this court.

VIKAS MAHAJAN, J

FEBRUARY 23, 2024/dss