



\$~65

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

+ **CRL.M.C. 1675/2024**

SAURABH PALIWAL & ANR.

..... Petitioners

Through: Mr. Puneet Raj and Mr. Ravi Garg,
Advocates

versus

STATE OF NCT OF DELHI & ANR.

..... Respondents

Through: Mr. Satish Kumar, APP for the State
with SI Sunny, P.S. Roop Nagar.
Mr. Jitesh, Advocate for R-2.

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

%

28.02.2024

CRL.M.A. 6433/2024 (exemption)

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

CRL.M.C. 1675/2024

3. The instant petition under Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been filed on behalf of petitioners seeking quashing of FIR bearing no. 65/2018, registered at Police Station Roop Nagar, Delhi for the offence punishable under Sections 498A/406/506 of the Indian Penal Code, 1860 ('IPC') and all consequential proceedings emanating therefrom.
4. Issue notice. Mr. Satish Kumar, learned APP accepts notice on behalf



of the State.

5. Petitioners are present before this Court and have been identified by their counsel Mr. Puneet Raj and Investigating Officer (IO) SI Sunny from Police Station Roop Nagar, Delhi.

6. Brief facts of the present case are that the marriage between petitioner no. 1 and respondent no. 2 was solemnized on 29.10.2009 according to Hindu rites and ceremonies. Two children were born out of the said wedlock. It is stated that due to certain differences which had arisen between the parties, both the parties started living separately from each other since 30.06.2016. On the complaint of respondent no. 2, the present FIR bearing no. 65/2018 was registered at Police Station Roop Nagar, Delhi against the petitioners for the offences punishable under Sections 498A/406/506 of IPC. It is stated that during the pendency of the case, both the parties have amicably settled all their disputes *vide* Mediation Settlement Deed dated 05.09.2022.

7. The complainant who is assisted by her counsel states that she has two children aged about 9 and 12 years and the custody of the children are with the petitioner no. 1 who is the father of the children.

8. On a query made by this Court, respondent no.2 who has been identified by the IO, has categorically stated that she has entered into compromise out of her own free will and without any pressure, coercion or threat. It is also stated by respondent no.2 that the entire dispute has been amicably settled between the parties *vide* Mediation Settlement Deed dated 05.09.2022 and affidavits showing the protection of interest of minor child as per the judgment titled as ***Ganesh vs. Sudhirkumar Shrivastava, (2020) 20 SCC 787*** passed by the Hon'ble Supreme Court have been filed and the



same are on record.

9. It is submitted that respondent no.2 has settled all her claims in respect of her dowry articles, stridhan, marriage expenses, jewellery, gift items and claims of past, present and future maintenance and permanent alimony with petitioner no.1 and other family members. Respondent no. 2 further stated that she has no objection if the FIR is quashed.

10. In view of the above fact that the parties have amicably resolved their differences of their own free will, and without any coercion, no useful purpose will be served by continuing the proceedings, rather the same would create further acrimony between them. It would thus be in interest of justice to quash the abovementioned FIR and the proceedings pursuant thereto. There is no legal impediment in quashing the FIR in question.

11. Accordingly, FIR bearing no. 65/2018, registered at Police Station Roop Nagar, Delhi for the offence punishable under Sections 498A/406/506 of IPC and all consequential proceedings emanating therefrom are quashed.

12. The petition stands disposed of.

13. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

FEBRUARY 28, 2024/zp

Click here to check corrigendum, if any