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

+ **CRL.M.C. 1678/2024**

HIMANSHU SHARMA & ORS.

..... Petitioners

Through: Mr. T.N. Tyagi, Ms. Sangeeta Tyagi,
Mr. Akshat Shandilya, Mr. Ritesh
Kain, Mr. Rajat Kain, Mr. Vinayak
Tyagi and Ms. Preeti, Advocates

versus

THE STATE GOVT. OF NCT OF DELHI

AND ANR.

..... Respondents

Through: Mr. Satish Kumar, APP for the State
with SI Ajit Krishna, P.S. Gokulpuri.
Ms. Varsha Aggarwal, Advocate for
R-2.

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

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28.02.2024

CRL.M.A. 6439/2024 (exemption)

8. Allowed, subject to all just exceptions.

9. Application stands disposed of.

CRL.M.C. 1678/2024

10. 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. 273/2021, registered at Police Station Gokulpuri, Delhi for the offence punishable under Sections 498A/406/34 of



the Indian Penal Code, 1860 ('IPC') and all consequential proceedings emanating therefrom.

11. Issue notice. Mr. Satish Kumar, learned APP accepts notice on behalf of the State.

12. Petitioners are present before this Court and have been identified by their counsel Mr. T.N. Tyagi and Investigating Officer (IO) SI Ajit Krishna from Police Station Golulpuri, Delhi.

13. Brief facts of the present case are that the marriage between petitioner no. 1 and respondent no. 2 was solemnized on 25.11.2016 according to Hindu rites and ceremonies. No child was 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 20.11.2017. On the complaint of respondent no. 2, the present FIR bearing no. 273/2021 was registered at Police Station Gokul Puri, Delhi against the petitioners for the offences punishable under Sections 498A/406/34 of IPC. It is stated that during the pendency of the case, both the parties have amicably settled all their disputes before Mediation Centre, Saket Courts, New Delhi *vide* Settlement Deed dated 04.09.2017.

14. It is pointed out that in the affidavit of respondent no. 2, the date of separation was wrongly mentioned as 23.12.2021 instead of 20.11.2017.

15. 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 before Delhi Mediation Centre, Karkardooma Courts, Delhi *vide* Compromise Deed dated 13.04.2023.



16. 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.

17. The petitioner no. 1 had paid a sum of Rs. 5,30,000/- in four installments in the following manner:

- a. First installment of Rs. 1,50,000/- paid to respondent no. 2 in the first motion petition.
- b. Second installment of Rs. 1,00,000/- paid to respondent no. 2 at the time of withdrawal of the present matter.
- c. Third instalment of Rs. 1,50,000/- paid to respondent no. 2 at the time of second motion petition.
- d. Fourth/Final instalment of Rs. 1,30,000/- to be paid at the time of quashing of the FIR before the Hon'ble High Court at New Delhi.

18. Today, the complainant who is present in Court states that she has received the last and final instalment of Rs. 1,30,000/- today, i.e., 28.02.2024 *vide* DD No. 010173 drawn on HDFC Bank and has no objection if the FIR is quashed.

19. 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.

20. Accordingly, FIR bearing no. 273/2021, registered at Police Station



Gokulpuri, Delhi for the offence punishable under Sections 498A/406/34 of IPC and all consequential proceedings emanating therefrom are quashed.

21. The petition stands disposed of.
22. The order be uploaded on the website forthwith.

FEBRUARY 28, 2024/zp

SWARANA KANTA SHARMA, J

Click here to check corrigendum, if any