



\$~70

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

+ **CRL.M.C. 1689/2024**

ALOK @ ALOK KUMAR SINHA & ORS. Petitioners

Through: Mr. Nilay Das Gupta, Mr. Amol
Kumar, Advocates

versus

THE STATE OF DELHI NCT & ANR. Respondents

Through: Mr. Manoj Pant, APP for the State
with SI Rahul Kumar, P.S. Vivek
Vihar.
Mr. Sachet Sharma and Mr. Ayush
Sharma, Advocates for R-2.

CORAM:
HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

% **ORDER**
28.02.2024

CRL.M.A. 6490/2024 (exemption)

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

CRL.M.C. 1689/2024

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. 159/2017, registered at Police Station Vivek Vihar, Delhi for the offences punishable under Sections 323/354/354B/452/506/509/34 of the Indian Penal Code, 1860 ('IPC') and all consequential proceedings emanating therefrom.



4. Issue notice. Mr. Manoj Pant, learned APP accepts notice on behalf of the State.
5. Petitioners are present before this Court and have been identified by their counsel Mr. Nilay Das Gupta and Investigating Officer (IO) SI Rahul Kumar from Police Station Vivek Vihar, Delhi.
6. Brief facts of the present case are that on 28.05.2013, the marriage of Smt. Sushmita Srivastava (sister of petitioner no. 1 and 2 and daughter of petitioner no. 3) was married to Ravi Srivastava (brother of respondent no. 2). One male child was born out of the said wedlock. Due to certain matrimonial discords and differences had arisen between both of them, as a result of which, they could not live together as husband and wife and had started living separately from each other since September, 2017. The minor male child is in the custody of the father. On the complaint of respondent no. 2, the present FIR bearing no. 159/2017 was registered at Police Station Vivek Vihar, Delhi against the petitioners for the offences punishable under Sections 323/354/354B/452/506/509/34 of IPC. It is stated that during the pendency of the case, both the parties have amicably settled all their disputes before Delhi Mediation Centre, Karkardooma Courts, Delhi *vide* Settlement Deed dated 18.04.2022.
7. 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* Settlement Deed dated 18.04.2022. Respondent no. 2 further stated that she has no objection if the FIR is



quashed.

8. 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.

9. Accordingly, FIR bearing no. 159/2017, registered at Police Station Vivek Vihar, Delhi for the offences punishable under Sections 323/354/354B/452/506/509/34 of IPC and all consequential proceedings emanating therefrom are quashed.

10. The petition stands disposed of.

11. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

FEBRUARY 28, 2024/zp

Click here to check corrigendum, if any