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

+ **CRL.M.C. 1734/2024**

ADITYA KHETRAPAL AND ORS

.....Petitioners

Through: Mr. D.K. Pandey, Mr. Anuj Kumar,
Mr. Ved Prakash & Mr. Manoj
Bhasker, Advocates with petitioners.

versus

STATE THROUGH SHO PS AMAN VIHAR AND ANR

.....Respondents

Through: Ms. Shubhi Gupta, APP for State.
Mr. C.P. Sharma & Mr. Tarun
Sharma, Advocates for R-2 with R-2
in person.
S.I. Manish Kumar, PS Aman Vihar,
Delhli.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

12.07.2024

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1. The present Petition under Section 482 of Code of Criminal Procedure, 1973 (*hereinafter referred to as "Cr.P.C., 1973"*) has been filed on behalf of the petitioners seeking to quash the FIR No. 448/2022 registered under Sections 498A/406/377/354A/354C/34 of the Indian Penal Code, 1860 (*hereinafter referred to as "IPC, 1860"*) and Section 3(1)(R), (S) of SC/ST Act at Police Station Aman Vihar, Delhi.
2. Issue notice.
3. Ms. Shubhi Gupta, learned Additional Public Prosecutor appearing on advance notice, accepts notice on behalf of the State.
4. Mr. C.P. Sharma, learned counsel appearing on advance notice,



accepts notice on behalf of the respondent No. 2.

5. Brief facts of the case are that the marriage was solemnized between petitioner No. 1 and respondent No. 2 on 26.04.2021 according to Hindu rites and ceremonies, however, no child born from the said wedlock.

6. It is further submitted that on 15.05.2022 on the complaint of respondent No. 2, an FIR No. 448/2022 under Sections 498A/406/377/354A/354C/34 of IPC, 1860 and Section 3(1)(R), (S) of SC/ST Act at Police Station Aman Vihar, Delhi.

7. The respondent No. 2 also filed the Petition under Section 9 of the Hindu Marriage Act, 1955 before Mahila Court, Dwarka, Delhi, which is pending adjudication.

8. It is submitted that with the intervention of family friends, common friends, relatives and well wishers, the parties have amicably settled all the disputes and differences between them *vide* Memorandum of Understanding-cum-Mutual Settlement dated 14.10.2023 which *inter alia* states that: -

(i) That the respondent No. 2/wife and the petitioner No. 1/husband shall dissolve their marriage by decree of mutual consent under Sections 13B(1) and 13B(2) of the Hindu Marriage Act, 1955,

(ii) That the respondent No. 2 has settled the matters without any money consideration towards her past, present and future claim or alimony,

(iii) That all the pending cases against the petitioners shall be withdrawn by the respondent No. 2.

9. In view of the Memorandum of Understanding-cum-Mutual



Settlement dated 14.10.2023, the present petition has been filed.

10. It is submitted that the marriage has been dissolved between the respondent No. 2 and petitioner No. 1 on 08.12.2023 by mutual consent.

11. **The respondent No. 2, on being put a specific query about the allegations made in her complainant,** states that they were made out of anger and now, the matter has been amicably settled.

12. The petitioners and respondent No. 2 are present before this Court in-person today, and they have been identified by their counsel and Investigating Officer concerned.

13. The parties have submitted that all the disputes have been amicably settled *vide* Memorandum of Understanding-cum-Mutual Settlement dated 14.10.2023 and thus, no fruitful purpose will be served in continuing with the FIR.

14. The present petition has been signed by all the petitioners and the respondent No. 2 and is supported by their respective affidavits. The parties have reaffirmed the terms of the settlement and they also submit that the said settlement has been arrived at between the parties without any pressure and coercion.

15. Today, the complainant/respondent No. 2/wife, who is present in Court, states that she has voluntarily settled all the disputes with the petitioners and has no objection if the FIR is quashed.

16. In view of the above facts that the parties have amicably resolved their differences out of their own free will and without any coercion and also the fact that the present matter is a family matter, no useful purpose will be served in continuing with the proceedings, rather the same would create further acrimony between them. Hence, it would be in the interest of justice



to quash the abovementioned FIR and the proceedings pursuant thereto.

17. Moreover, there is no legal impediment in quashing the FIR in question.

18. Accordingly, FIR bearing No. 448/2022 registered at Police Station Aman Vihar, Delhi, for offences punishable under Sections 498A/406/377/354A/354C/34 of IPC, 1860 and Section 3(1)(R), (S) of SC/ST Act and all consequential proceedings emanating therefrom are quashed.

19. The petition stands disposed of.

NEENA BANSAL KRISHNA, J

JULY 12, 2024

S.Sharma