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

+ **CRL.M.C. 2024/2023**

MAHESH SINGH

.....Petitioner

Through: Mr. Nalin Kaushik, Mr. Pradeep
Vijayran & Mr. Tarun Vijayran,
Advocates with petitioner through
VC.

versus

THE STATE AND ANR

.....Respondents

Through: Mr. Yasir Rauf Ansari, ASC, Crl.
with Mr. Alok Sharma, Mr. Vasu
Agarwal & Mr. Atul Sharma,
Advocates for State.
Respondent No. 2 through VC.
S.I. Sandeep, PS DBG Road, Delhi.

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+ **W.P.(CRL) 855/2023**

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S.I. Sandeep, PS DBG Road, Delhi.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA



ORDER

05.08.2024

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1. The present Petitions under Section 482 of the Code of Civil Procedure, 1973 (*hereinafter referred to as “Cr.P.C., 1973”*) and Articles 226/227 of the Constitution of India read with Section 482 of Cr.P.C., 1973 have been filed on behalf of the petitioner seeking to quash the FIR No. 70/2018 registered under Section 376 of the Indian Penal Code, 1860 (*hereinafter referred to as “IPC, 1860”*) at Police Station D.B.G. Road, Delhi and FIR No. 122/2019 registered under Sections 498A/406/34 of the IPC, 1860 at Police Station Sagarpur, Delhi respectively.

2. Brief facts of the case are that the marriage was solemnized between petitioner and respondent No. 2 on 09.04.2018 according to Hindu rites and ceremonies and no child was born from the said wedlock.

3. It is submitted that the petitioner met with the respondent No. 2 in the year 2016 on Shaadi.com and thereafter, on 09.10.2016, they met each other at V3S Mall Laxmi Nagar and talked to each other for the marriage and thereafter, both of them introduced their parents to each other. They had also consensual sex on many occasions at Delhi as well as at Ahmedabad but due to some misunderstanding and confusion, on the complaint of respondent No. 2, an FIR No. 70/2018 registered under Section 376 of IPC, 1860 at Police Station D.B.G. Road, Delhi, whereby the petitioner was arrested and *vide* Order dated 07.04.2018 passed by the learned Additional Sessions Judge, Delhi, he was admitted to interim bail. Thereafter, the petitioner and the respondent No. 2 got married on 09.04.2018 according to Hindu customs and rites and the interim bail granted to the petitioner *vide* Order dated 07.04.2018 was made absolute *vide* Order dated 17.04.2018.



4. It is further submitted that after the marriage, the petitioner and the respondent No. 2 went to Halol, Gurjarat, where due to the temperamental differences, the disputes arose between the parties and again on the complaint of respondent No. 2, an FIR bearing No. 122/2019 under Sections 498A/406/34 of the IPC, 1860 got registered at Police Station Sagarpur, Delhi.

5. It is also submitted that on 02.02.2022, the petitioner and the respondent No. 2 have settled all the disputes and differences between them *vide* Settlement Agreement dated 02.02.2022 which *inter alia* states that: -

- (i) That the respondent No. 2/wife and the petitioner shall dissolve their marriage by decree of mutual consent under Sections 13(B)(1) and 13(B)(2) of Hindu Marriage Act, 1955,
- (ii) That the petitioner shall pay a total sum of Rs. 6,00,000/- to the respondent No. 2/wife towards full and final settlement of all her claims, present, past and future as well as *Istridhan*,
- (iii) That the first instalment of Rs. 1,00,000/- shall be paid by the petitioner to the respondent No. 2/wife at the time signing of the Settlement Agreement dated 02.02.2022,
- (iv) That the second instalment of Rs. 2,00,000/- shall be paid by the petitioner to the respondent No. 2/wife at the time of recording of Statement of First Motion Petition under Section 13(B)(1) of Hindu Marriage Act, 1955 and withdrawal of Petition under Section 125 of Cr.P.C., 1973 before the learned Principal Judge, Family Courts, Patiala House, Delhi,
- (v) That the third instalment of Rs. 2,00,000/- shall be paid by the petitioner to the respondent No. 2/wife at the time of recording of



Statement of Second Motion Petition under Section 13(B)(2) of Hindu Marriage Act, 1955,

(vi) That the fourth instalment of Rs. 1,00,000/- shall be paid by the petitioner to the respondent No. 2/wife at the time of quashing of FIRs,

(vii) That the respondent No. 2 shall withdraw all the pending cases filed against the petitioner.

6. It is also stated that the marriage between the petitioner and the respondent No. 2/wife has been dissolved *vide* Decree of Divorce dated 13.01.2023.

7. In view of the Settlement Agreement dated 02.02.2022, the present petition has been filed.

8. The petitioner and the respondent No. 2/wife are appearing through video conferencing today, and they have been identified by their counsel and Investigating Officer concerned.

9. It is further submitted that Rs. 5,00,000/- has been paid to the respondent No. 2 by the petitioner viz, the aforesaid three instalments.

10. Today, the fourth instalment of Rs. 1,00,000/- has been paid by the petitioner to the respondent No. 2/wife through RTGS, and the same has been acknowledged by the respondent No. 2/wife.

11. The parties have submitted that all the disputes have been amicably settled *vide* Settlement Agreement dated 02.02.2022 and thus, no fruitful purpose will be served in continuing with the FIR.

12. The present petition has been signed by the petitioner and is supported by the affidavits of petitioner and the respondent No. 2. The parties have endorsed and 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.

13. Today, the complainant/respondent No. 2/wife, who is present through video conferencing, states that she has received all amounts due to her and has no objection if the FIRs are quashed.

14. 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.

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

16. Accordingly, FIR bearing No. 70/2018 registered at Police Station D.B.G., Delhi, for offences punishable under Section 376 of IPC, 1860 and FIR bearing No. 122/2019 registered at Police Station Sagarpur, Delhi, for offences punishable under Sections 498A/406/34 of IPC, 1860 all consequential proceedings emanating therefrom are quashed.

17. The petitions stand disposed of.

NEENA BANSAL KRISHNA, J

AUGUST 5, 2024

S.Sharma