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

+ CRL.M.C. 477/2020

SH. JOGINDER SINGH & ORS.

.....Petitioners

Through: Mr. Nishant Choudhary, Advocate
with petitioners through VC.

versus

STATE & ANR.

.....Respondents

Through: Ms. Richa Dhawa, APP for State.
Mr. Azhar Qayum & Mr. Narender
Kumar, Advocates for R-2 with
R-2/Neha through VC.
S.I. Sachin Panwar, PS Fatehpur Beri,
Delhi.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

02.08.2024

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1. The present Petition under Section 482 of the Code of Civil Procedure, 1973 (*hereinafter referred to as "Cr.P.C., 1973"*) has been filed on behalf of the petitioners seeking to quash the FIR No. 532/2018 registered under Sections 498A/406/34 of the Indian Penal Code, 1860 (*hereinafter referred to as "IPC, 1860"*) at Police Station Fatehpur Beri, Delhi.
2. Brief facts of the case are that the marriage was solemnized between petitioner No. 1 and respondent No. 2 on 31.10.2017 according to Hindu rites and ceremonies and no child was born from the said wedlock.
3. It is submitted that since after the marriage, the respondent No. 2 has been subjected to cruelty and demand of dowry by all the petitioners.



4. It is further submitted that in the year 2018, on the complaint of respondent No. 2, an FIR bearing No. 532/2018 under Sections 498A/406/34 of the IPC, 1860 got registered at Police Station Fatehpur Beri, Delhi and also the Chargesheet has been filed in the said FIR, which is pending before the learned Trial Court Delhi.

5. It is also submitted that the respondent No. 2/Neha has also filed the maintenance against the petitioner No. 1 bearing Case No. M 180/2018 under Section 125 of Cr.P.C., 1973 pending before the learned Family Court, Saket Court, New Delhi, wherein the parties had been referred to mediation, wherein the petitioners and the respondent No. 2/Neha have settled all the disputes and differences between them *vide* Settlement Agreement dated 21.05.2019 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 13(B)(1) and 13(B)(2) of Hindu Marriage Act, 1955,
- (ii) That the petitioner shall pay a sum of Rs. 17,50,000/- to the respondent No. 2/wife towards full and final settlement of all her claims, present, past and future,
- (iii) That the first instalment of Rs. 5,00,000/- shall be paid by the petitioner No. 1 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,
- (iv) That the second instalment of Rs. 6,25,000/- shall be paid by the petitioner No. 1 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,

(v) That the third instalment of Rs. 6,25,000/- shall be paid by the petitioner No. 1 to the respondent No. 2/wife at the time of quashing of FIR,

(vi) That the parties shall withdraw all the pending cases against filed against each other.

6. It is also stated that the marriage between the petitioner No. 1 and the respondent No. 2/wife has been dissolved *vide* Decree of Divorce dated 28.05.2019.

7. It is further submitted that the respondent No. 2/Neha has done re-marriage and has children.

8. In view of the Settlement Agreement dated 21.05.2019, the present petition has been filed.

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

10. It is further submitted that Rs. 17,50,000/- has been paid to the respondent No. 2 by the petitioner No. 1 viz, the aforesaid three instalments.

11. The parties have submitted that all the disputes have been amicably settled *vide* Settlement Agreement dated 21.05.2019 and thus, no fruitful purpose will be served in continuing with the FIR.

12. The present petition has been signed by the petitioners and is supported by their 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.

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 FIR is 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. 0532/2018 registered at Police Station Fatehpur Beri, Delhi, for offences punishable under Sections 498A/406/34 of IPC, 1860 and all consequential proceedings emanating therefrom are quashed.

17. The petition stands disposed of.

NEENA BANSAL KRISHNA, J

AUGUST 2, 2024

S.Sharma