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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 02.04.2024

+ CRL.M.C. 1937/2024

ROHITASH MAHUR AND OTHERS

..... Petitioners

Through: Mr. Pankaj Kumar, Advocate with
Petitioners-in-person.

versus

THE STATE AND ANOTHER

..... Respondents

Through: Ms. Kiran Bairwa, APP for State with
ASI Vinod Kumar, PS: Mandawali.
Mr. Shubham Rajput, Advocate for
R-2 with R-2-in-person.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

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J U D G M E N T

ANOOP KUMAR MENDIRATTA, J (ORAL)

CRL.M.A. 7424/2024

Exemption allowed, subject to just exceptions.

Application stands disposed of.

CRL.M.C. 1937/2024

1. Petition under Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been preferred on behalf of the petitioners for quashing of FIR No. 0173/2016, under Sections 498A/406/34 IPC registered at P.S.: Mandawali Fazalpur and proceedings emanating therefrom.
2. Issue notice. Learned APP for the State and learned counsel respondent No. 2 along with respondent No. 2 in person appear on advance notice and accept notice.



3. In brief, as per the case of the petitioners, marriage between petitioner No. 1 and respondent No. 2 was solemnized according to Hindu rites and ceremonies on 11.12.2006. A male child was born out of the wedlock, who is presently in custody of respondent No. 2. Due to temperamental differences, petitioner No. 1 and respondent No. 2 started living separately. On complaint of respondent No. 2, present FIR was registered on 08.04.2016.
4. The disputes have been amicably resolved between the parties vide settlement deed dated 02.11.2023. The marriage between petitioner No. 1 and respondent No. 2 has been dissolved by decree of divorce by way of mutual consent under Section 13B(2) of the Hindu Marriage Act vide judgment dated 04.01.2024.
5. Balance amount of Rs. 1,00,000/- has been paid to respondent No. 2 today through DD No. 206298 dated 04.03.2024 drawn on Punjab National Bank, DAV Tiraha, Bulandshahr, U.P. Branch in favour of respondent No. 2, towards full and final settlement between the parties.
6. Learned APP for the State submits that in view of amicable settlement between the parties, the State has no objection in case the FIR in question is quashed.
7. Petitioners as well as respondent No. 2 are present in person, while remaining petitioners have joined through VC and have been identified by ASI Vinod Kumar, PS: Mandawali, Delhi. I have interacted with the parties and they confirm that the matter has been amicably settled between them without any threat, pressure or coercion. Respondent No. 2 also states that nothing remains to be further adjudicated upon between the parties and she has no objection in case the FIR in question is quashed.
8. Considering the facts and circumstances, since the matter has been



amicably settled between the parties, no useful purpose shall be served by keeping the case pending. It would be nothing but an abuse of the process of Court. Consequently, FIR No. 0173/2016, under Sections 498A/406/34 IPC registered at P.S.: Mandawali Fazalpur and proceedings emanating therefrom stand quashed.

Petition is accordingly disposed of. Pending applications, if any, also stand disposed of.

A copy of this order be forwarded to the learned Trial Court for information.

ANOOP KUMAR MENDIRATTA, J.

APRIL 02, 2024/R