



\$~63

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

+ **CRL.M.C. 1954/2024**

KAMAL KANT

..... Petitioner

Through: **Mr. Satya Pal Sidhartha, Advocate.**

versus

THE STATE & ANR.

..... Respondents

Through: **Mr. Satish Kumar, APP for the State
with SI Anil Kumat, P.S.: Vijay
Vihar.**

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

%

11.03.2024

CRL.M.A. 7503/2024 (exemption)

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

CRL.M.C. 1954/2024

3. The instant petition under Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been filed on behalf of petitioner seeking quashing of FIR bearing no. 0090/2022, registered at Police Station Vijay Vihar, Delhi for offences punishable under Sections 498A/323/509 of the Indian Penal Code, 1860 ('IPC') and all consequential proceedings emanating therefrom.
4. Issue notice. Mr. Satish Kumar, learned APP accepts notice on behalf of State.
5. The petitioner is present before this Court and has been identified by his counsel and Investigating Officer (IO) SI Anil Kumat, P.S.: Vijay Vihar.



6. At the outset, it is stated that in the present petition, it is inadvertently mentioned that a child was born out of the wedlock between the parties, however, the parties state that no child was born out of the said wedlock. It is also stated that the said fact is clearly mentioned in the judgment dated 12.09.2023, wherein divorce was granted to the parties.

7. Brief facts of the present case are that the marriage between petitioner and respondent no. 2 was solemnized on 14.11.2019 according to Hindu rites and ceremonies at Rohini, Delhi. No child was born out of the said wedlock. It is stated that due to certain differences which had arisen between the parties, both the parties started living separately since 20.11.2020. It is stated that on the complaint of respondent no. 2, the present FIR was registered at Police Station Vijay Vihar, Delhi against the petitioner for the offences punishable under Sections 498A/323/509 of IPC. It is stated that during the pendency of the case, both the parties have amicably settled all their disputes before Delhi High Court Mediation and Conciliation Centre and divorce was granted to the petitioner and respondent no. 2 *vide* order/judgment dated 12.09.2023.

8. 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 High Court Mediation and Conciliation Centre and that they have obtained decree of divorce by mutual consent.

9. It is submitted that respondent no.2 has settled all her claims in respect of her dowry articles, stridhan, marriage expenses, jewellery, gift



items and claims of past, present and future maintenance and permanent alimony with petitioner.

10. It is stated that petitioner had paid a sum of Rs. 1,50,000 at the time of recording of statement in the first motion and Rs. 90,000 was to be paid to respondent no. 2 at the time of second motion. It is stated that a demand draft of Rs. 90,000 is to be given at the time of the quashing of subject FIR.

11. Today, the complainant who is present in Court states that she has received the last and final instalment of Rs. 90,000/- today, i.e., 11.03.2024 vide DD No. 018515 drawn on Delhi Nagrik Sehkari Bank Ltd., Subzi Mandi, Delhi, and has no objection if the FIR is quashed.

12. 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.

13. Accordingly, FIR bearing no. 0090/2022, registered at Police Station Vijay Vihar, Delhi for offences punishable under Sections 498A/323/509 of IPC and all consequential proceedings emanating therefrom are quashed.

14. The petition stands disposed of.

15. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

MARCH 11, 2024/at

Click here to check corrigendum, if any