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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 1976/2024 CRL.M.A. 33845/2024**
SUBUDHI JAIN & ORS.Petitioner

Through: Mr. Hemant Choudhary, Ms. Pooja
and Ms. Jyoti Mandal, Advocates
along with petitioner in person.

versus

STATE GOVT. OF NCT OF DELHI AND ANR.Respondent
Through: Mr. Sanjeev Sabharwal, APP for the
State with SI Vijay Pal Singh, PS:
CWC Nanakpura.
Ms. Zeba Khair, Ms. Farhee & Ms.
Ananya Garg, Advs for R-2
Respondent No. 2 in person.

CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL

ORDER
12.11.2024

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1. This petition has been filed seeking quashing of FIR no. 144/2015, registered at PS Caw Cell/Nanak Pura, Delhi under Sections 498-A/406/417/34 IPC on the basis of settlement arrived at between the parties dated 12th October, 2021 which is on record of this Court.

2. As per the settlement amount, Rs. 5 Lac had to be paid as one time settlement, in addition to the continued payment of *ad interim* maintenance of Rs. 5,000/- per month, awarded by the MM Rohini Courts till the date of the divorce.



3. Rs. 4 lacs have already been paid to respondent no.2 at the time of divorce proceedings, and Rs. 1 lac is being tendered *vide* DD no. 011265, drawn on IDBI Bank, which is received by respondent no.2 in Court.
4. As regards the arrears of *ad interim* maintenance, as agreed to in clause 2 of the agreement, an amount of Rs. 1,80,000/- has been paid to respondent no.2, till the date of the divorce. Out of Rs. 1,80,000/- paid to the respondent no.2, amount of Rs. 1,50,000/- has been paid in cash, which has been duly received by respondent no.2. Counsel for petitioner states that an amount of Rs. 30,000/- has been transferred to respondent no.2's account.
5. Petitioner and respondent no.2, are both present in Court and are duly identified by the IO and respective counsels.
6. Petitioner nos. 2-3 being family members of petitioner no.1 are duly exempted.
7. In this view of the matter, respondent no.2 has no objection to the quashing of the FIR.
8. The marriage of the petitioner no.1 and respondent no.2, the marriage resulted in a divorce by decree dated 08th September 2022. Respondent no.2 further states, that now, the settlement has been complied with, she is willing to withdraw the other pending cases between her and petitioner no.1. The said undertaking is taken on record.
9. The list of the pending cases has been transcribed in CRL.M.A. 33845/2024, and are extracted hereunder:



- I. FIR No. 144/2015, U/s 498-A/406/417/34 IPC, at Police Station Caw Cell / Nanak Pura titled as State Vs Subudhi Jain & Ors. pending in the court of Ms. Abhilasha Singh Ld. M.M. (Mahila Court), South District, Dwarka Courts, Delhi, list for 02/05/2024.
- II. Filed a contempt petition titled as Snehlata Vs Subudhi Jain vide Contempt Case No. 05/2023 before Sh. Sanjay Kumar Aggarwal Ld. Judge Court District Central Tis Hazari Delhi listed for 10/07/2024.
- III. Domestic Violence Complaint Case No. 08/2017 titled as Snehlata Vs Subudhi Jain pending of Ms. Preeti Ld. M.M. Rohini Court Delhi pending for 16/05/2024.
- IV. Domestic Violence Complaint Case No. 5659/2019 titled as Snehlata Vs Subudhi Jain pending of Ms. Preeti Ld. M.M. Rohini Court Delhi pending for 16/05/2024.
- V. Misc. Criminal Case No. 30/2020 titled as Snehlata Vs Subudhi Jain pending of Ms. Preeti Ld. M.M. Rohini Court Delhi pending for 16/05/2024.



- VI. Execution No. 03/2021 titled as Snehlata Vs Subudhi Jain pending of Ms. Preeti Ld. M.M. Rohini Court Delhi pending for 23/04/2024.
- VII. Execution No. 52/2021 titled as Snehlata Vs Subudhi Jain pending of Ms. Preeti Ld. M.M. Rohini Court Delhi pending for 23/04/2024.
- VIII. Execution No. 227/2023 titled as Snehlata Vs Subudhi Jain pending of Ms. Preeti Ld. M.M. Rohini Court Delhi pending for 23/04/2024.

10. Considering the above settlement between the parties and the chances of conviction of the petitioners being remote and bleak, there is no use continuing with proceedings of the present FIR as it would be a misuse of the process of the Court and an unnecessary burden on the State exchequer. Accordingly, the petition is allowed. Consequently, the FIR No. 144/2015 under Sections 498-A/406/417/34 registered at PS Caw Cell / Nanak Pura and proceedings emanating therefrom are quashed.

11. Parties shall abide by the terms of settlement.

12. Accordingly, the petition is disposed of. Pending applications (if any) are disposed of as infructuous.

13. The date already fixed i.e 13th December, 2024 stands cancelled.

14. *Dasti*

15. Order be uploaded on the website of this Court.

ANISH DAYAL, J

NOVEMBER 12, 2024/RK

Click here to check corrigendum, if any