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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 12.03.2024

+ CRL.M.C. 1984/2024

SONU KUMAR @ SONU MEHTA & ORS. Petitioners

Through: Mr. Raj Kumar, Adv. with petitioner
in person.

versus

STATE & ANR. Respondents

Through: Ms. Kiran Bairwa, APP for State with
SI Sumeet, PS Vivek Vihar.
Ms. Bhagwanti Lalwani, Adv. 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. 7643/2024

Exemption allowed, subject to just exceptions.

Applications stand disposed of.

CRL.M.C. 1984/2024

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. 0071/2018 under Sections 498A/406 IPC registered at P.S.: Vivek Vihar, Delhi and the proceedings emanating therefrom. Chargesheet has been filed under Section 498A/406/323/34 IPC.

2. Issue notice. Learned APP for the State and learned counsel for



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respondent No.2 alongwith respondent No.2 in person appear on advance notice and accept notice.

3. In brief, as per the case of the petitioners, the marriage between petitioner No.1 and respondent No.2 was solemnized according to Hindu rites and ceremonies on 25.04.2016. No child was born out of the wedlock. Due to temperamental differences, respondent No. 2 and petitioner No. 1 started living separately since 29.11.2016. On complaint of respondent No.2, present FIR was registered on 21.02.2018.

4. The disputes are stated to have been amicably resolved between the parties, in terms of settlement dated 19.07.2023 arrived before Counselling Cell, Family Courts (Shahdara District), Karkardooma Courts, Delhi. 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 decree dated 18.12.2023.

5. Balance amount of Rs. 1,00,000/- (One Lac Only) has been paid to respondent No. 2 today through DD No. 000074 dated 06.03.2024 drawn on HDFC Bank, Hisar 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 in the present case seek to invoke the powers under Section 482 of Code of Criminal Procedure. The same is to be used to secure the ends of justice or to prevent the abuse of process of any Court. In which cases, the power to quash the criminal proceedings or the complaint or FIR may be used when the offender as well as victim have settled their dispute,



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would depend upon the facts and circumstances of each case and no generalised list or categories can be prescribed. However, the Court is required to give due regard to the nature and gravity of the offence and consider the impact on the society.

8. Petitioners as well as respondent No. 2 are present in person and have been identified by SI Sumeet, PS Vivek Vihar. 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.

9. 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. 0071/2018 under Sections 498A/406/323/34 IPC registered at P.S.: Vivek Vihar, Delhi and the 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 learned Trial Court for information.

ANOOP KUMAR MENDIRATTA, J.

MARCH 12, 2024/akc