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

+ **CRL.M.C. 2156/2024 & CRL.M.A.16719/2024**

MR. NIKHIL NANDA & ORS. Petitioners

Through: Ms. Tanvi Wasson, Advocate

versus

STATE GOVT. OF NCT OF DELHI AND ANR. Respondents

Through: Mr. Satish Kumar, APP for the State
with Mr. Ashutosh Kumar Singh and
Mr. Deepak Grover, Advocates
Mr. Rohit Rattu, Advocate for R-2.

CORAM:
HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER
28.05.2024

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1. The instant petition under Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been filed on behalf of petitioners seeking quashing of FIR bearing no. 0588/2022, registered at Police Station Malviya Nagar, Delhi for the offences punishable under Sections 498A/406/34 of the Indian Penal Code, 1860 ('IPC') and all consequential proceedings emanating therefrom.
2. Issue notice. Mr. Satish Kumar, learned APP accepts notice on behalf of State.
3. Petitioners are present before this Court and have been identified by their counsel Ms. Tanvi Wasson and Investigating Officer (IO) from Police Station Malviya Nagar, Delhi.



4. Brief facts of the present case are that the marriage between petitioner no. 1 and respondent no. 2 was solemnized on 06.03.2011 as per Hindu rites and customs. It is stated that one girl child was born out of said wedlock. It is stated that on the complaint of respondent no. 2, the present FIR bearing no. 0588/2022 was registered at Police Station Malviya Nagar, Delhi against the petitioners for offence punishable under Sections 498A/406/34 of IPC. It is stated that during the pendency of the case, both the parties have amicably settled all their disputes Memorandum of Understanding (MoU) dated 02.12.2023. Thereafter, both the parties had dissolved their marriage by way of mutual consent before the concerned court.

5. 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 *vide* Memorandum of Understanding (MoU) dated 02.12.2023 and affidavits showing the protection of interest of minor children as per the judgment titled as ***Ganesh vs. Sudhirkumar Shrivastava***, (2020) 20 SCC 787 passed by the Hon'ble Supreme Court have been filed and the same are on record.

6. 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 no.1 and other family members.

7. As per the settlement agreement, the petitioner no. 1 had to pay a sum of Rs. 50,00,000/- in the following manner:

a. First installment of Rs. 10,00,000/- paid to respondent no. 2



at the time of execution of MoU.

- b. Second installment of Rs. 10,00,000/- paid to respondent no. 2 time of recording statements in the first motion petition u/s 13B(1) of HMA.
- c. Third installment of Rs. 15,00,000/- paid to respondent no. 2 at the time of recording statements in the second motion petition u/s 13B(2) of HMA
- d. Fourth/Final instalment of Rs. 15,00,000/- to be paid at the time of quashing of the FIR before the Hon'ble High Court at New Delhi.

8. Today, the complainant who is present in Court states that she has received the last and final instalment of Rs. 15,00,000/- today, i.e., 28.05.2024 *vide* DD No. 515581 and DD No. 053373 drawn on ICICI Bank and HDFC Bank respectively and has no objection, if the FIR is quashed.

9. Learned counsel for the petitioners has filed on record the affidavit of the petitioner no. 1 who is the father of the minor child wherein in para no. 4 of the affidavit, it is mentioned that rights of the child shall not be affected after the settlement. It is made clear to the learned counsel for the petitioners and the petitioner no. 1 who is present through Video Conferencing (VC) that the rights of the minor child including property, maintenance, etc., shall not be affected. The learned counsel also states that the petitioner no. 1 has understood the same, considering that the affidavit has been filed and the parties have settled the matter, this Court are inclined to quash the present FIR.

10. 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.

11. Accordingly, FIR bearing no. 275/2021, registered at Police Station Vasant Vihar, Delhi for the offences punishable under Sections 498A/406/354/354A/506/34 of IPC and all consequential proceedings emanating therefrom are quashed.

12. In view of above, the petition along with pending application stands disposed of.

13. Next date of hearing i.e. 02.08.2024 stands cancelled.

14. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

MAY 28, 2024/zp

Click here to check corrigendum, if any