



\$~13

* IN THE HIGH COURT OF DELHI AT NEW DELHI

%

Date of Decision: 16.04.2024

+ CRL.M.C. 2234/2024

KAMAL SHARMA AND ORS

..... Petitioners

Through: Ms. Poonam Panwar, Adv. with all
petitioners.
Petitioner no.5 Rajesh Sharma through
VC.

versus

THE STATE NCT OF DELHI AND ANR

..... Respondents

Through: Ms. Kiran Bairwa, APP for State with
SI Suman Prasad, P.S. Subzi Mandi.
Ms. Manisha Sharma, Adv. for R-2
with R-2 in person.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

%

J U D G M E N T

ANOOP KUMAR MENDIRATTA, J (ORAL)

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. 497/2016, under Sections 498A/406/34 IPC registered at P.S.: Sarai Rohilla and proceedings emanating therefrom.
2. 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 18.04.2012. A male child was born out of the wedlock who is presently in the 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 11.07.2016.

3. The disputes have been amicably resolved between the parties vide settlement deed dated 18.11.2023. 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 25.01.2024.

4. An amount of Rs.1,00,000/- (One Lakh Only) has been handed over to respondent No.2 today through DD No.702558 dated 12.04.2024 drawn on Canara Bank, Sector-15, Rohini, Delhi Branch in favour of minor child, which shall be used by respondent no. 2 towards the welfare and upbringing of minor child.

5. 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.

6. Petitioners No. 1 to 4 in person, Petitioner No. 5 (through VC) and Respondent No.2 have been identified by SI Suman Prasad, PS: Subzi Mandi, 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.

7. 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. 497/2016, under Sections 498A/406/34 IPC



registered at P.S.: Sarai Rohilla 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 16, 2024/akc