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

+ **CRL.M.C. 2259/2024**

RAMESH KUMAR

.....Petitioner

Through: Mr. Ashok Kr. Tanwar, Advocate
with petitioner in person.

versus

THE STATE (NCT OF DELHI) & ANR.

.....Respondents

Through: Mr. Satinder Singh Bawa, APP for
State.

Mr. Ved Prakash & Mr. Manoj
Kumar Bhaskar, Advocates for R-2
with R-2 in person.

Children of parties in person.

Insp. Asha, PS CAW/Cell/Nanakpura,
Delhi.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

12.08.2024

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1. The present Petition under Section 482 of the Code of Criminal Procedure, 1973 (*hereinafter referred to as "Cr.P.C., 1973"*) has been filed on behalf of the petitioner seeking to quash the FIR No. 70/2015 registered under Sections 406/498-A/34 of the Indian Penal Code, 1860 (*hereinafter referred to as "IPC, 1860"*) at Police Station Crime (Women) Cell, Delhi.
2. Brief facts of the case are that the marriage was solemnized between petitioner and respondent No. 2 on 18.02.1999 according to Hindu rites and ceremonies and two children were born from the said wedlock.
3. It is further submitted that due to some differences, the respondent No. 2 lodged a complaint before Crime (Women) Cell, Delhi against the



petitioner and his family members which was converted into FIR bearing No. 70/2015 under Sections 406/498-A/34 of the IPC, 1860 got registered at Police Station Crime (Women) Cell, Delhi, in which the Chargesheet has been filed and the charges have also been framed by the learned Trial Court on 21.12.2022.

4. It is submitted that during the pendency of the litigations, the parties have amicably settled all the disputes and differences between them in the Mediation Centre, Dwarka Courts, Delhi *vide* Settlement Deed dated 15.05.2023 which *inter alia* states that: -

- (i) That the respondent No. 2/wife and the petitioner/husband shall dissolve their marriage by decree of mutual consent under Section 13(B) of Hindu Marriage Act, 1955,
- (ii) That the petitioner and the respondent No. 2 have settled all the disputes without any monetary consideration,
- (iii) That the petitioner shall move the petition for quashing of FIR No. 70/2015 before this Court and the respondent No. 2 shall give her 'No Objection' and cooperate in getting the FIR quashed,
- (iv) That the two children of the parties shall remain in the custody of the petitioner and the respondent No. 2 shall not have any visitation rights to meet them,
- (v) That the settlement shall not affect the legal rights of the children in the property of both the parties,
- (vi) That the respondent No. 2 shall have no right or entitle to claim for any type of maintenance or permanent alimony against the petitioner,
- (vii) That the respondent No. 2 shall withdraw all the pending cases



filed against the petitioner,

(viii) That the parties shall not file any case against each other and their family members in future,

5. It is also stated that the marriage between the petitioner and the respondent No. 2/wife has been dissolved *vide* Decree of Divorce dated 16.11.2023.

6. In view of the Settlement Deed dated 15.05.2023, the present petition has been filed.

7. The petitioner and the respondent No. 2/wife along with their two children are present before this Court in-person today, and they have been identified by their counsel and Investigating Officer concerned.

8. It is submitted that the Settlement Deed dated 15.05.2023 has been arrived at between the petitioner and the respondent No. 2 without any monetary consideration.

9. The parties have submitted that all the disputes have been amicably settled *vide* Settlement Deed dated 15.05.2023 and thus, no fruitful purpose will be served in continuing with the FIR.

10. However, without prejudice to the rights and contentions of the respondent No. 2, she may have the visitation rights to meet the two children.

11. The present petition has been signed by the petitioner and is supported by affidavits of petitioner and respondent No. 2. The parties have endorsed and reaffirmed the terms of the settlement and they also submit that the said settlement has been arrived at between the parties without any pressure and coercion.

12. Today, the complainant/respondent No. 2/wife, who is present in



Court, states that she has settled all the disputes with the petitioner without any monetary consideration and has no objection if the FIR is quashed.

13. In view of the above facts that the parties have amicably resolved their differences out of their own free will and without any coercion and also the fact that the present matter is a family matter, no useful purpose will be served in continuing with the proceedings, rather the same would create further acrimony between them. Hence, it would be in the interest of justice to quash the abovementioned FIR and the proceedings pursuant thereto.

14. Moreover, there is no legal impediment in quashing the FIR in question.

15. Accordingly, FIR bearing No. 70/2015 registered at Police Station Crime (Women) Cell, Delhi, for offences punishable under Sections 406/498-A/34 of IPC, 1860 along with Chargesheet and all consequential proceedings emanating therefrom are quashed.

16. The petition stands disposed of.

NEENA BANSAL KRISHNA, J

AUGUST 12, 2024

S.Sharma