



\$~11

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 2261/2024**
SH. SURAJ & ORS

.....Petitioners
Through: Mr. Bharat Bagga, Advocate with
petitioners in person.

versus

THE STATE & ANR.

.....Respondents
Through: Mr. Satinder Singh Bawa, Ld. APP
for State.
Respondent No.2/complainant in
person.

CORAM:
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER
09.08.2024

%

1. The 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 petitioners, seeking to quash the FIR No. 693/2017, registered under Sections 406/498A/34 of the Indian Penal Code, 1860 (*hereinafter referred to as "IPC, 1860"*) at Police Station S.B. Dairy.
2. Issue notice.
3. Mr. Satinder Singh Bawa, learned Additional Public Prosecutor appearing on advance notice, accepts notice on behalf of the State.
4. Brief facts of the case are that the marriage was solemnized between petitioner No. 1 and respondent No. 2 on 29.04.2013, according to Hindu



rites and ceremonies and one child Rishabh was born out of the said wedlock on 10.02.2015.

5. It is further submitted that due to incompatible behaviour, conduct and temperament of petitioner No.1 and 2, they have been living separately since 09.02.2017. The respondent No.2 filed a complaint at CAW Cell, West, pursuant to which a FIR bearing No. 693/2017, registered under Sections 406/498A/34 of the Indian Penal Code, 1860, got registered at Police Station S.B. Dairy.

6. It is stated that the petitioner No. 1 and the respondent No. 2 have amicably settled all the disputes and differences between them and arrived at a Settlement in February, 2018 pursuant to which the petitioner No.1 and respondent No.2 have taken divorce by mutual consent in District Court, Jhajjar vide Order dated 27.08.2018. It was agreed between the parties that the custody of minor child Rishabh shall remain with petitioner No.1 and respondent No.2 shall not claim custody of the child in future in any manner. It is stated that petitioner No. 1/husband has already paid a sum of Rs. 50,000/- towards full and final settlement of all the claims of the respondent No. 2/wife.

7. In view of the Settlement Deed dated 24.11.2023, the present petition has been filed.

8. The parties are present before this Court in-person today, and have been identified by their counsel and Investigating Officer concerned. It is stated that the Settlement has been arrived between the parties voluntarily and without any force, pressure or coercion. The parties have endorsed the Settlement and states that they shall remain bound by the terms of the Settlement arrived at between them in February, 2018.



9. The parties have submitted that all the disputes have been amicably settled *vide* Settlement in February, 2018 and thus, no fruitful purpose will be served in continuing with the FIR.
10. The present petition has been signed by all the petitioners and is supported by their respective affidavits.
11. Today, the complainant/respondent No. 2/wife, who is present in Court, states that she has received all amounts due to her and has no objection if the FIR is quashed.
12. 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.
13. Moreover, there is no legal impediment in quashing the FIR in question.
14. Accordingly, FIR No. 693/2017 for the offence punishable under Sections 406/498A/34 of IPC, 1860, registered at Police Station S.B. Dairy and all consequential proceedings emanating therefrom are quashed.
15. The petition stands disposed of.

NEENA BANSAL KRISHNA, J

AUGUST 9, 2024/va