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

+ **W.P.(CRL) 976/2024**

DEVENDER & ORS.

..... Petitioner

Through: Mr. Raj Kumar, Adv.

versus

THE STATE OF NCT OF DELHI & ANR.

..... Respondents

Through: Mr. Anand V. Khatri,
ASC for the State.

IO SI Manish Tyagi, PS
Govindpuri.

Mr. Vikas Sharma, Adv.
for R-2.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

% **27.03.2024**

CRL.M.A. 9293/2024 (for exemption)

1. Exemptions allowed, subject to all just exceptions.
2. The application stands disposed of.

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3. All the five petitioners have filed the present petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 ('CrPC') seeking quashing of FIR No. 192/2020 for offences punishable under Sections 498A/406/34 of the Indian Penal Code, 1860 ('IPC'), registered at Police Station Govind Puri, including all consequential proceedings arising therefrom.

4. Issue notice.

5. Notice is accepted by all the respondents. Respondent No. 2 is also present with her counsel and she submits that the matter has been amicably settled and she would have no objection if the

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instant FIR, which had been lodged at her behest, is quashed.

6. It is informed that chargesheet has already been filed before the concerned Magisterial Court and is pending consideration for the purpose of taking of cognizance.

7. Respondent No.2 got married to petitioner No. 1 on 04.12.2016 at Delhi as per Hindu Customs. Admittedly, there is no offspring from such wedlock.

8. There was matrimonial discord between the two but on account of intervention of parents, family members and well-wishers, the parties have been able to sort out all their matrimonial differences and have agreed to part ways in a graceful manner.

9. The copy of settlement which took place before the Counselling Cell of Saket Courts, New Delhi has been attached with the writ petition as Annexure B.

10. It is apprised by both the sides that relevant petitions under Section 13B of the Hindu Marriage Act were filed and statements pertaining to both the motions have already been recorded.

11. It was agreed between the parties that the complainant (Respondent No. 2 herein) would be given a total sum of ₹3,50,000/- towards full and final settlement. Out of the aforesaid amount, a sum of ₹2,50,000/- has already been received by her i.e. ₹1,50,000/- at the time of recording of 1st motion and ₹1,00,000/- at the time of recording of second motion.

12. The balance amount of ₹1,00,000/- is to be paid at the time of her making statement for the purposes of quashing of FIR. Such balance amount of ₹1,00,000/- has been brought by the petitioners by way of Banker's Cheque bearing No.956915 dated 12.03.2024 drawn on Bank of Baroda, Kalkaji, New Delhi-110019. Same has been handed over to respondent No.2 who

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accepts the same.

13. The Court has also put queries to both the parties. Respondent No. 2 reiterates the terms of settlement and states that she has voluntarily agreed to settle all her matrimonial disputes with all the petitioners and has received ₹3,50,000/- as full and final settlement towards her claim, including claim of permanent alimony, *stridhan*, maintenance past, present, future etc.

14. It is also apprised by both the sides that in relation to the marriage in question, no other case is pending in any Court.

15. Learned Additional Standing Counsel for the State states that since the matter is essentially matrimonial in nature, he leaves it to the discretion of the Court to pass appropriate orders in this regard.

16. Keeping in mind the contents of the present petition, the terms of settlement as recorded before the Counselling Cell of Saket Court, New Delhi and the fact that decree of divorce has already been granted, no useful purpose would be served by keeping this FIR alive.

17. Consequently, the present petition stands allowed and FIR No. 192/2020, P.S. Govind Puri under Section 498A/406/34 IPC and all the proceedings emanating therefrom are hereby quashed.

18. Petition stands disposed of accordingly.

MANOJ JAIN, J

MARCH 27, 2024

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