



\$~58

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

+ CRL.M.C. 2433/2024

ANKIT KAPUR & ORS.

..... Petitioners

Through: Mr. Akhilesh Kumar Pandey, Mr. Manoj Kumar, Ms. Manisha, Mr. Pankaj Kumar & Mr. Budh Priya Gautam, Advocates.

versus

STATE GOVT OF NCT OF DELHI & ANR.

..... Respondents

Through: Mr. Naresh Kumar Chahar, APP for the State with SI Vipin, P.S.: Prashant Vihar.

Mr. Basant Kumar Gautam, Advocate for R-2 with R-2 in-person.

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

%

27.03.2024

1. The present petition under Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been instituted on behalf of the petitioners seeking quashing of FIR bearing No. 572/2018, registered at Police Station Prashant Vihar, for offences punishable under Sections 498A/406/34 of the Indian Penal Code, 1860 ('IPC').
2. Issue notice. Mr. Naresh Kumar Chahar, learned APP accepts notice on behalf of the State.
3. Petitioners are present before this Court and have been identified by their counsel Mr. Akhilesh Kumar Pandey and Investigating Officer (IO) SI



Vipin from Police Station Prashant Vihar, Delhi.

4. Brief facts of the case are that on 11.11.2017, the petitioner no. 1 and respondent no. 2 got married in Delhi. It is stated that the parties had started living together after marriage. However, on 09.03.2028, due to some incompatibility differences, the parties started living separately. It is further stated that on 13.11.2018, the respondent no. 2 had a filed a criminal complaint case being Ct. Case no. 5207/2018 under the Protection of Women from the Domestic Violence Act, before the learned Metropolitan Magistrate Courts, Rohini, Delhi. On 29.11.2018, it is stated that respondent no. 2 lodged a complaint against the petitioners which has been registered as the subject FIR in the present case. On 18.12.2018, respondent no. 2 had filed a HMA Petition bearing no. 2126/2018, under Section 13 (1) (i-a) and (i-b) of the Hindu Marriage Act, 1955, against the petitioner no. 1. On 26.08.2023, the petitioner no. 1 and respondent no. 2 have amicably settled all their claims and disputes, vide settlement deed dated 26.08.2023. On 12.10.2023, it is stated that marriage of the petitioner no. 1 and respondent no. 2 had been dissolved by a decree of divorce by mutual consent, and since there is no dispute left between the petitioners and respondent no. 2, the present petition for quashing of FIR is filed.

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 his 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 settlement deed dated 26.08.2023.

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.

7. Today, the complainant who is present in Court states that she has no objection if the FIR is quashed.

8. 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.

9. Accordingly, FIR bearing no. 572/2018, registered at Police Station Prashant Vihar, for offences punishable under Sections 498A/406/34 of IPC and all consequential proceedings emanating therefrom are quashed.

10. The petition stands disposed of.

11. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

MARCH 27, 2024/at

[Click here to check corrigendum, if any](#)