



\$~54

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

+ **CRL.M.C. 2517/2024**

SAHIL JAIRATH Petitioner

Through: Appearance not given.

versus

STATE & ANOTHER Respondents

Through: Ms. Kiran Bairwa, APP for State with
SI Mukesh Kumar, PS. Tilak Nagar.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

%

28.03.2024

CRL.M.A. 9574/2024 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

CRL.M.C. 2517/2024

3. The present petition has been filed under Section 482 CrPC seeking quashing of FIR No.285/2021 under Sections 498A/406/34 IPC registered at Police Station Tilak Nagar and all consequential proceedings emanating therefrom on the ground that the parties have arrived at a settlement.
2. Issue notice. The learned APP for the State accepts notice. She submits that since the FIR is an outcome of a matrimonial dispute and the parties have arrived at a settlement, the State has no objection in case the FIR in question is quashed.
3. The petitioner (former husband), as well as, respondent no. 2 (former wife) are present in the Court and they have been identified by their



respective counsel and by the Investigating Officer SI Mukesh Kumar, PS. Tilak Nagar.

4. The brief facts of the case are that the marriage between the petitioner no.1 and respondent no. 2 was solemnized on 10.03.2015 according to Hindu Rites and Customs. Out of the said wedlock, one girl child namely, Amaira was born on 10.12.2016, who is presently in the care and the custody of the respondent no.2 and the petitioner/father has visitation rights as per Court's order twice in a month.

5. On account of temperamental issues certain disputes arose between the parties and they started living separately w.e.f. 25.09.2020. The dispute between the parties also led to the registration of present FIR.

6. During the pendency of the proceedings, the parties were referred to Counselling Cell, Family Court attached to the Family Court, West-Distt. Tis Hazari Court, Delhi, where they arrived at a settlement, terms whereof were reduced in writing in the form of Settlement Deed dated 07.10.2023, which is annexed as Annexure P-3 to the present petition.

7. In terms of the said settlement, the parties decided to dissolve their marriage by filing a petition for divorce by way of mutual consent. Accordingly, the petitioner no.1 and respondent no.2 have obtained a decree of divorce dated 06.01.2024, which is annexed as Annexure P-4 to the present petition.

8. It is also a term of the settlement between the parties that the petitioner shall pay to the respondent no.2 a sum of Rs.8000/- as monthly expenses for looking after their daughter Amaira from November 2023 till her attaining age of 19 years, whereas the respondent no.2 has waived her right to alimony, maintenance etc.



10. The respondent no.2, on a query put by the Court, states that she has no objection in case the FIR is quashed.
11. In view of the fact that the parties have arrived at a settlement, no useful purpose will be served in continuing the proceedings, rather the same would create further acrimony between them.
12. It is, thus, in the interest of justice that the present FIR and all the other proceedings emanating therefrom be quashed.
13. Consequently, the petition is allowed and the FIR No.285/2021 under Sections 498A/406/34 IPC registered at Police Station Tilak Nagar alongwith all other proceedings emanating therefrom, is quashed.
14. The petition stands disposed of in the above terms.
15. Order be uploaded on the website of this court.

VIKAS MAHAJAN, J

MARCH 28, 2024/dss