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

+ **CRL.M.C. 2521/2024**

Mukesh@Mukesh Kumar@ Mukesh Singh & Ors Petitioners

Through: Ms. Riya Tanwar, Adv.

versus

State of Delhi & Anr

..... Respondents

Through: Mr. Mukesh Kumar, APP for State
with SI Jyoti, PS. Kanjhawla.

Ms. Sakshi Maratha and Mr. Ujjwal
Goel, Advs. for R-2.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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28.03.2024

CRL.M.A. 9591/2024 (exemption)

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

CRL.M.C. 2521/2024

3. The present petition has been filed under Section 482 CrPC seeking quashing of FIR No.47/2014 under Sections 498A/406/34 IPC registered at Police Station Kanjhawla and all consequential proceedings emanating therefrom on the ground that the parties have arrived at a settlement.
4. Issue notice. The learned APP for the State accepts notice. He 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.
5. The petitioner no.1 (former husband) and the petitioner nos. 2 to 5, who are close relatives of petitioner no.1, 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 Jyoti, PS. Kanjhawla.

6. The brief facts of the case are that the marriage between the petitioner no.1 and respondent no. 2 was solemnized on 11.05.2005 according to Hindu Rites and Customs. Out of the said wedlock, one male child namely, Nitin was born on 04.05.2007, who is presently in the care and custody of the respondent no.2 and the petitioner no.1 has visitation rights *qua* the minor once in a month on every Second Saturday between 04:00 p.m to 07:00 p.m.

7. On account of temperamental issues certain disputes arose between the parties and they started living separately w.e.f. 27.06.2012. The dispute between the parties also led to the registration of present FIR.

8. During the pendency of the proceedings, the parties were referred to Delhi Mediation Centre, Rohini District Courts, Delhi, where they arrived at a settlement, terms whereof were reduced in writing in the form of Settlement/Agreement dated 17.12.2021, which is annexed as Annexure P-8 to the present petition.

9. 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 marriage between petitioner no.1 and respondent no.2 stands dissolved by a decree of divorce. A copy of the judgment dated 01.06.2023 allowing the Second Motion Petition, is annexed as Annexure P-6 to the present petition.

10. It is also a term of the settlement between the parties that the petitioner no.1 shall pay a total sum of Rs.6 lacs to the respondent no.2 towards full and final settlement of all her claims on account of streedhan, permanent alimony, dowry articles, maintenance (past, present and future)



etc. Out of the said amount, a sum of Rs. 5 lacs has already been paid by the petitioner no.1 to the respondent no.2 in the manner as mentioned in the settlement. The remaining amount of Rs. 1 lac has been paid to the respondent no.2 today in the court by the petitioner no.1 by way of Demand Draft bearing No.022431 dated 02.03.2024 issued by Indian Overseas Bank.

11. The receipt of entire amount of Rs.6 lacs is acknowledged by the respondent no.2, who is present in court.

12. The respondent no.2, on a query put by the Court, states that she has no objection in case the FIR is quashed.

13. 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.

14. It is, thus, in the interest of justice that the present FIR and all the other proceedings emanating therefrom be quashed.

15. Consequently, the petition is allowed and the FIR No.47/2014 under Sections 498A/406/34 IPC registered at Police Station Kanjhawla alongwith all other proceedings emanating therefrom, is quashed.

16. The petition stands disposed of in the above terms.

17. Order be uploaded on the website of this court.

VIKAS MAHAJAN, J

MARCH 28, 2024/dss