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

+ **W.P.(CRL.) 990/2024**

NARENDER YADAV AND ORS.

..... Petitioners

Through: Mr.Deepak Kumar, Advocate
alongwith petitioner No.1 in person.

versus

THE STATE & ANR.

.... Respondents

Through: Mr.Sanjay Lao, Standing Counsel
(Crl.) GNCTD with Mr.Abhinav
Kumar Arya, Advocate alongwith SI
Mohit, P.S. Vijay Vihar.
Mr.Sandeep Vashist, Advocate
alongwith respondent No.2 in person.

CORAM:

HON'BLE MR.JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

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25.04.2024

CRL.M.A. 9459/2024

Exemption allowed, subject to just exceptions.

Application stands disposed of.

W.P.(CRL.) 990/2024

1. The instant petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been preferred on behalf of the petitioners for quashing of FIR No. 278/2011, under Sections 498A/406/34 Indian Penal Code, 1860 ('IPC') registered at P.S.: Vijay Vihar, Delhi and proceedings emanating therefrom. Charge-sheet has been filed under Sections 498A/406/34 IPC.

2. Issue notice. Learned APP for the State and learned counsel for respondent No.2 alongwith respondent No.2 in person appear on advance



notice and accept notice.

3. In brief, as per the case of the petitioners, marriage between petitioner No. 1 and respondent No. 2 was solemnized according to Hindu rites and ceremonies on 27.04.2008. Two children were born out of the wedlock who are presently in custody of petitioner No.1. Due to temperamental differences, respondent No.2 and petitioner No.1 started living separately since 23.09.2010. Present FIR was registered on the complaint of respondent No. 2, on 19.07.2011.

4. The disputes are stated have been amicably settled between the parties with the intervention of common friends and well wishers of families in terms of Settlement Deed dated 05.11.2022. The marriage between petitioner No. 1 and respondent No. 2 has been dissolved by decree of divorce by way of mutual consent under Section 13B(2) of the Hindu Marriage Act, 1955 vide judgment dated 12.09.2023.

5. Total settlement amount of Rs.5,50,000/- was to be paid by the petitioners to respondent No.2. The amount of Rs.3,50,000/- has been paid earlier and balance amount of Rs.2,00,000/- has further been paid to respondent No.2, out of which Rs.1,00,000/- has been transferred through Paytm; Rs.50,000/- through UPI vide UPI Transaction ID 408825658822; and Rs.50,000/- cash-in-hand, which is acknowledged by respondent No.2.

6. Learned APP for the State submits that in view of amicable settlement between the parties, the State has no objection in case the FIR in question is quashed.

7. Petitioner No.1, respondent No. 2 (in person) and Petitioner No.2- Ravinder Kumar (through VC) have been identified by SI Mohit, P.S.: Vijay Vihar, Delhi. Presence of petitioner No.3 (Smt. Chandrawati Devi) is exempted. I have interacted with the parties and they confirm that the matter



has been amicably settled between them without any threat, pressure or coercion. Respondent No. 2 also states that nothing remains to be further adjudicated upon between the parties and she has no objection in case the FIR in question is quashed.

8. Considering the facts and circumstances, since the matter has been amicably settled between the parties, no useful purpose shall be served by keeping the case pending. It would be nothing but an abuse of the process of Court. Consequently, FIR No. 278/2011, under Sections 498A/406/34 IPC registered at P.S.: Vijay Vihar, Delhi and the proceedings emanating therefrom stand quashed.

9. Petition is accordingly disposed of. Pending applications, if any, also stand disposed of.

10. A copy of this order be forwarded to learned Trial Court for information.

11. It is made clear that in view of the dictum of the Hon'ble Supreme Court in the case of *Ganesh v. Sudhirkumar Shrivastava and Others*¹, the terms of settlement between petitioner No.1 and respondent No.2 will not come in the way of enforcing the rights of minor children and their rights shall not be adversely affected.

PURUSHAINDRA KUMAR KAURAV, J.

APRIL 25, 2024/v

¹ (2020) 20 SCC 787