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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 1028/2024**
ANKUSH MOGHA & ORS. Petitioners
Through: Mr. Jitender Gupta and Mr. Deepak Rohilla, Advs.

versus

THE STATE (NCT OF DELHI) & ANR. Respondents
Through: Mr. Yasir Rauf Ansari, ASC (Crl.) for State with SI Mamta, PS Dabri.
Mr.Pravesh Sharma, Ms.Jyoti Sharma, Mr.Pushpender Kaushik and Mr.Ankit Chauhan, Advs. for R-2 with R-2 in person.

CORAM:
HON'BLE MR.JUSTICE PURUSHAINDRA KUMAR KAURAV
ORDER
% **25.04.2024**

1. Petition under Article 226 of 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. 0269/2023, under Sections 498A/406/34 of Indian Penal Code, 1860 ('IPC') registered at P.S.: Dabri, Delhi and proceedings emanating therefrom. Sections 377/354 IPC have been invoked subsequently by the prosecution.

2. 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 02.05.2022. No child was born out of the wedlock. Due to temperamental differences, petitioner No.1 and respondent No. 2 started



living separately since 17.09.2022. On complaint of respondent No. 2, present FIR was registered on 05.04.2023.

3. However, the disputes between the parties have been amicably settled in terms of settlement deed dated 17.10.2023. The marriage between petitioner No. 1 and respondent No. 2 has been dissolved by decree of divorce under Section 13 B(2) of the Hindu Marriage Act, 1955 *vide* judgment dated 20.01.2024.

4. Balance amount of Rs. 3,00,000/- has been paid to respondent No. 2 today through DD No. 520702 dated 28.03.2024 drawn on ICICI Bank, Dwarka Branch, Delhi in favour of respondent No. 2, towards full and final settlement between the parties.

5. 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.

6. Petitioners in the present case seek to invoke the powers under Section 482 of Code of Criminal Procedure. The same is to be used to secure the ends of justice or to prevent the abuse of process of any Court. In which cases the power to quash the criminal proceedings or the complaint or FIR may be used when the offender as well as victim have settled their dispute, would depend upon the facts and circumstances of each case and no generalised list or categories can be prescribed. However, the Court is required to give due regard to the nature and gravity of the offence and consider the impact on the society.



7. Petitioner No. 1, 2, 3 & 5 as well as respondent No. 2 are present in person and have been identified by SI Mamta, P.S.: Dabri, Delhi. Petitioner No. 4 Isha Mogha is appearing through video-conferencing. 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. 0269/2023, under Sections 498A/406/34 IPC registered at P.S.: Dabri, Delhi and the proceedings emanating therefrom stand quashed.

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

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

PURUSHAINDRA KUMAR KAURAV, J.

APRIL 25, 2024/akc