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

+ CRL.M.C. 2658/2024 and CRL.M.A. 10117/2024

DEVENDER AND ORS

.....Petitioners

Through: Mr.Kedar Yadav, Mr.Rahul and
Ms.Minakshi, Advocates with petitioners in person

versus

STATE OF DELHI AND ANR

.....Respondents

Through: Mr. Sanjeev Sabharwal, APP for State
with SI Saurabh
Respondent No.2 in person

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

12.07.2024

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1. By way of the present petition, the petitioner seeks quashing of FIR No.877/2017 registered under Sections 498A/406/34 IPC at P.S. Vijay Vihar, Delhi on the ground that the parties have amicably settled their disputes.
2. The present FIR is an outcome of a matrimonial dispute between the complainant/respondent No. 2 (wife) and petitioner No.1 (husband) whereas petitioner Nos.2 to 6 are the in-laws of the complainant.
3. Learned APP for the State submits that the petitioners are the only accused persons and respondent No. 2 is the complainant/victim.
4. Learned counsels for the parties submit that the parties have settled their dispute vide Memorandum of Understanding dated 14.09.2019. It is stated that petitioner No.1 and respondent No.2 have already been granted



divorce by mutual consent vide divorce decree dated 12.12.2019 passed by Family Court, Rohini, Delhi in HMA No.2546/2019. In terms of the settlement, respondent No. 2 is now left with no claim whatsoever against the petitioners.

5. Learned counsel for the petitioners states that though in Clause 5 of the aforesaid Memorandum of Understanding, it was stated that the rights of the minor child are curtailed, however, in view of the decision of the Hon'ble Supreme Court in Ganesh v. Sudhirkumar Shrivastava and Ors. reported as **2019 SCC OnLine SC 1107**, the said Clause 5 has no legal sanctity. He further informs that an incorrect affidavit has been filed in the Registry, which is currently lying under objection. He, however, seeks leave to withdraw the said affidavit.

Petitioner No.1, who is present in Court, states that rights of the minor child, who is in the custody of respondent No.2, shall remain unaffected by the terms of the settlement. In acknowledgement of the said statement, petitioner No.1 and his counsel have signed the order sheet.

6. The petitioners, who are present in the Court, have been identified by their counsel and the Investigating Officer. Respondent No.2, who is also present in the Court, has been identified by the Investigating Officer.

7. Respondent No. 2 states that she has entered into the aforesaid Memorandum of Understanding with her own free will, volition and without any coercion. She further states that she has no objection if the present FIR and consequent proceedings are quashed.

8. Learned counsel for the petitioners submits that no other proceedings are pending between the parties.



9. The parties shall remain bound by the statements made in Court today.

10. In view of the above facts and since no useful purpose will be served in continuance of the present criminal proceedings, it is directed that the aforesaid FIR and the consequent proceedings arising therefrom are hereby quashed.

11. The petition is disposed of in the above terms alongwith the pending application.

MANOJ KUMAR OHRI, J

JULY 12, 2024

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