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

+ **CRL.M.C. 2699/2024**

RAMESH PRAMANI & ORS.

.....Petitioners

Through: Mr. Rahul Dhamija, Advocate with
petitioners with petitioners.

versus

GOVERNMENT OF NCT OF DELHI & ANR.Respondents

Through: SI Bharat Lohchab, PS Shalimar
Bagh.
Ms. Reema Batra, Advocate for R2
with R2.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

02.09.2024

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1. The Petition under Section 482 of the Code of Criminal Procedure, 1973 (*hereinafter referred to as "Cr.P.C., 1973"*) has been filed on behalf of the petitioners, seeking to quash the FIR No. 431/2019, registered under Sections 406/498A/34 of the Indian Penal Code, 1860 (*hereinafter referred to as "IPC, 1860"*) at Police Station Shalimar Bagh.
2. Brief facts of the case are that the marriage was solemnized between petitioner No. 1 and respondent No. 2 on 20.11.2007 at Delhi, according to Hindu rites and ceremonies and two male child were born out of the said wedlock.
3. Briefly stated that after the solemnization of the marriage between the petitioner No. 1 and respondent No. 2, they lived together for around 11



years but due to differences, both the parties are residing separately since 03.01.2019 and both have not cohabited since then.

4. It is further submitted that a Complaint Case viz DV Petition No. 6361/2019, titled as ‘Sneha @ Sonia @ Bhawna vs. Ramesh & Ors., under Section 12 of the Protection of Women from Domestic Violence Act, 2005, was filed by the respondent No. 2/wife against the petitioners before the Court of learned Metropolitan Magistrate, Mahila Court, North West District, Rohini Court, New Delhi. Another case bearing Mt. No. 94/2022 under Section 125 of the CrPC, titled as ‘*Sneha @ Sonia @ Bhawna vs. Ramesh*’, has been filed before the learned Judge, Family Court, North West District, Rohini Court, New Delhi. Additionally, a complaint was also lodged by the respondent No. 2 in the CAW Cell wherein an FIR bearing No. 431/2019, for the offence under Sections 406/498A/34 of the IPC, has been registered at Police Station Shalimar Bagh, out of which a Criminal Case No. 555/2023 was filed against the petitioners, before the Court of learned Metropolitan Magistrate, North West, Rohini Court, New Delhi. It is submitted that on the other hand, petitioner No. 1 had also filed a case under Section 9 of the Hindu Marriage Act against the respondent No. 2/wife before the Hon’ble Family Court, Mathura, U.P.

5. It is stated that the petitioner No. 1 and the respondent No. 2 have amicably settled all the disputes and differences between them and arrived at Settlement vide Memorandum of Settlement dated 25.03.2023 wherein it was *inter alia* settled between the parties that the respondent No. 2/wife and the petitioner No. 1/husband shall dissolve their marriage by decree of mutual consent. It is stated that petitioner No. 1/husband shall pay a sum of Rs. 5,00,000/- towards full and final settlement of all the claims of the



respondent No. 2/wife. It is further agreed that the parties shall be left with no claims against each other in any manner whatsoever and no maintenance claims for the respondent No. 2 as well as for children, stridhan, alimony or any other past, present or future claim(s) shall be made by both the parties upon receipt of the amount of Rs.5,00,000/-. It is further agreed that the petitioner No. 1 shall pay a sum of Rs.1,00,000/- at the time of signing of the said Memorandum of Settlement dated 25.03.2023. The petitioner No.1 shall pay the second instalment for a sum of Rs.1,00,000/- at the time of recording of statement of first motion under Section 13B(1) of the Hindu Marriage Act qua seeking divorce by mutual consent. The petitioner No. 1 shall pay the third instalment for a sum of Rs.1,50,000/- to the respondent No. 2 at the time of recording of statement of second Motion under Section 13B(2) of the Hindu Marriage Act qua seeking divorce by mutual consent. It is further agreed between the parties that the petitioner No. 1 shall pay fourth and final instalment of Rs.1,50,000/- to the respondent No. 2 at the time of recoding of statement during quashing of the above said FIR. It is also agreed that the custody of both the children, Master Yojit, aged about 09 years and Master Daksh, aged about 14 years, shall remain with the respondent No. 2 and the petitioner No. 1 shall have the visitation rights to meet both the children once in a month with prior intimation and convenience of both the parties.

6. It is also stated that on 31.08.2023, the marriage between petitioner No. 1 and respondent No. 2 had been dissolved as per Hindu law.

7. In view of the Settlement Deed dated 25.03.2023, the present petition has been filed.

8. The parties are present before this Court in-person today, and have been identified by their counsel and Investigating Officer concerned. The



parties have endorsed the amicable settlement and accepted the terms thereof voluntarily.

9. A cheque for a sum Rs. 1,50,000/-, i.e the balance amount, has been handed over to the respondent No. 2/wife by the petitioner No. 1 *vide* Demand Draft No. 000450 dated 08.08.2024 made in favour of the respondent No. 2/Sonia Tirthani, drawn on Bandhan Bank, Mathura and the same has been accepted by the respondent No. 2/wife.

10. The parties have submitted that all the disputes have been amicably settled *vide* Settlement Deed dated 25.03.2023 and thus, no fruitful purpose will be served in continuing with the FIR.

11. The present petition has been signed by all the petitioners and is supported by their respective affidavits. The parties have reaffirmed the terms of the settlement arrived at *vide* Settlement Deed dated 25.03.2023 and they also submit that the said Settlement Deed dated 25.03.2023 has been arrived at between the parties without any pressure and coercion.

12. Today, the complainant/respondent No. 2/wife, who is present in Court, states that she has received all amounts due to her and has no objection if the FIR is quashed. The respondent No. 2 has already withdrawn the case under Section 12 of the Protection of women against Domestic Violence Act and case under 125 CrPC filed against the petitioner No. 1 *vide* orders dated 08.10.2023 and 24.04.2023, has also withdrawn. The petitioner has also withdrawn the case under Section 9 of the Hindu Marriage Act filed by him against the respondent No. 2/wife at Mathura, U.P.

13. In view of the above facts that the parties have amicably resolved their differences out of their own free will and without any coercion and also



the fact that the present matter is a family matter, no useful purpose will be served in continuing with the proceedings, rather the same would create further acrimony between them. Hence, it would be in the interest of justice to quash the abovementioned FIR and the proceedings pursuant thereto.

14. Moreover, there is no legal impediment in quashing the FIR in question.

15. Accordingly, FIR No. 431/2019, registered under Sections 406/498A/34 of the IPC registered at Police Station Shalimar Bagh and all consequential proceedings emanating therefrom are quashed.

16. The petition stands disposed of.

NEENA BANSAL KRISHNA, J

SEPTEMBER 2, 2024/RS