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

+ CRL.M.C. 2710/2024 & CRL.M.A. 10314/2024 (Stay)

NISHU @ SANTOSH KUMAR & ORS. Petitioners

Through: Mr. Manoj Sharma and Mr. Saurav
Pandey, Advocates

versus

STATE & ANR.

..... Respondents

Through: Mr. Naresh Kumar Chahar, APP for
the State with SI Seema, P.S. Dwarka
South.

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

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04.04.2024

CRL.M.A. 10315/2024 (exemption)

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

CRL.M.C. 2710/2024

3. The instant petition under Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been instituted on behalf of the petitioners seeking quashing of FIR bearing no. 0175/2021, registered at Police Station Dwarka South, Delhi, for offences punishable under Sections 498A/406/354A/506/34 of the Indian Penal Code, 1860 ('IPC').
4. Issue notice. Mr. Naresh Kumar Chahar, learned APP appearing on behalf of the State accepts notice.



5. Petitioners are present before this Court and have been identified by their counsel Mr. Manoj Sharma and Investigating Officer (IO) SI Seema, P.S.: Dwarka South, Delhi.

6. Brief facts of the case are that on 03.02.2014, petitioner no. 1 and respondent no. 2 had got married at Delhi, according to Hindu rites and ceremonies. It is stated that one child was born out of the said wedlock. It is stated that due to temperamental differences, both the parties started living separately since 11.05.2017. It is stated that on the complaint of respondent no. 2, the present FIR got registered at Police Station Dwarka South, Delhi. Chargesheet stands filed in this case on 12.12.2022. It is also stated that the petitioners and respondent no. 2 have settled all the disputes and differences before Counselling Cell Family Courts *vide* Settlement dated 20.01.2023.

7. On a query made by this Court, respondent no.2 who has been identified by the IO, has categorically stated that she has entered into compromise out of her own free will and without any pressure, coercion or threat. It is also stated by respondent no.2 that the entire dispute has been amicably settled between the parties before Counselling Cell Family Courts *vide* Settlement dated 20.01.2023 and affidavits showing the protection of interest of minor child as per the judgment titled as ***Ganesh vs. Sudhirkumar Shrivastava, (2020) 20 SCC 787*** passed by the Hon'ble Supreme Court have been filed and the same are on record.

8. It is submitted that respondent no.2 has settled all her claims in respect of her dowry articles, *stridhan*, marriage expenses, jewellery, gift items and claims of past, present and future maintenance and permanent alimony with petitioner.

9. It is stated that petitioner had paid a sum of Rs. 3,25,000/- and the



remaining amount of Rs. 1,50,000/- is to be paid to respondent no. 2 at the time of the quashing of subject FIR.

10. Today, the complainant, who is present in Court states that she has received the remaining amount of Rs. 1,50,000/- *vide* DD No. 835176 drawn on Canara Bank and has no objection if the FIR is quashed.

11. In view of the above fact that the parties have amicably resolved their differences of their own free will, and without any coercion, no useful purpose will be served by continuing the proceedings, rather the same would create further acrimony between them. It would thus be in interest of justice to quash the abovementioned FIR and the proceedings pursuant thereto. There is no legal impediment in quashing the FIR in question.

12. Accordingly, FIR bearing no. 0175/2021, registered at Police Station Dwarka South, Delhi, for offences punishable under Sections 498A/406/354A/506/34 of IPC and all consequential proceedings emanating therefrom are quashed.

13. The present petition along with pending application stands disposed of.

14. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

APRIL 4, 2024/zp

Click here to check corrigendum, if any