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

+ **W.P.(CRL) 1083/2024**

PAWAN KUMAR & ORS.

..... Petitioners

Through: Ms. Salma Khan, Adv. with
petitioners in person

versus

STATE & ANR.

..... Respondents

Through: Mr. Sanjay Lao, SC for State with SI
Sanjay Nain Police Station Sarai
Rohilla, Delhi
Mr. D.B. Yadav and Mr. Sauraj
Yadav, Advs. for R2
Respondent no. 2 in person.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

04.04.2024

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CRL.M.A. 10203/2024 (exemption)

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

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3. The present petition has been filed under Article 226/227 of the Constitution of India read with Section 482 CrPC seeking quashing of FIR No.378/2018 under Sections 498A/406/34 IPC registered at Police Station Sarai Rohilla and all consequential proceedings emanating therefrom on the ground that the parties have arrived at a settlement.



4. Issue notice. The learned APP for the State accepts notice. He submits that since the FIR is an outcome of a matrimonial dispute and the parties have arrived at a settlement, the State has no objection in case the FIR in question is quashed.
5. The petitioner no.1 (former husband), as well as, respondent no. 2 (former wife) are present in the Court and they have been identified by their respective counsel and by the Investigating Officer with SI Sanjay Nain Police Station Sarai Rohilla, Delhi.
6. The brief facts of the case are that the marriage between the petitioner no.1 and respondent no. 2 was solemnized on 01.03.2009 according to Hindu Rites and Customs. Out of the said wedlock, no child was born.
7. On account of temperamental issues certain disputes arose between the parties and they started living separately w.e.f. January 2018. The dispute between the parties also led to the registration of present FIR.
8. During the pendency of the proceedings, the parties arrived at a settlement, terms whereof were reduced in writing in the form of memorandum of understanding dated 18.05.2022, which is annexed as Annexure A-3 to the present petition.
9. In terms of the said settlement, the parties decided to dissolve their marriage by filing a petition for divorce by way of mutual consent. Accordingly, the petitioner no.1 and respondent no.2 have obtained a decree of divorce dated 19.08.2023, which is annexed as Annexure A-5 to the present petition.
10. It is a term of the settlement between the parties that the petitioner no.1 shall pay a total sum of Rs.2,70,000/- to the respondent no.2 towards full and final settlement of all her claims on account of *streedhan*,



permanent alimony, dowry articles, maintenance (past, present and future) etc. The entire amount has already been paid by the petitioner no.1 to the respondent no.2 in the manner as mentioned in the settlement.

11. The receipt of entire amount of Rs.2,70,000/- is acknowledged by the respondent no.2, who is present in court.

12. The respondent no.2, on a query put by the Court, states that she has no objection in case the FIR is quashed.

13. In view of the fact that the parties have arrived at a settlement, no useful purpose will be served in continuing the proceedings, rather the same would create further acrimony between them.

14. It is, thus, in the interest of justice that the present FIR and all the other proceedings emanating therefrom be quashed.

15. Consequently, the petition is allowed and the FIR No.378/2018 under Sections 498A/406/34 IPC registered at Police Station Sarai Rohilla alongwith all other proceedings emanating therefrom, is quashed.

16. The petition stands disposed of in the above terms.

17. Order be uploaded on the website of this court.

VIKAS MAHAJAN, J

APRIL 4, 2024

N.S. ASWAL