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

+ **CRL.M.C. 2733/2024**

KAMLESH & ANR.

.....Petitioners

Through: Ms. Manjit Kaur, Advocate for Ms.
Malti, Advocate with petitioners.

versus

THE STATE OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Sanjeev Sabharwal, APP for the
State.

Mr. Pawan Mehta, Mr. Dushyant, Mr.
Manan Sharma, Mr. Amit Sharma,
Mr. Sachin Yadav and Mr. Bharat
Bhushan, Advocates 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. 329/2022 for the offence under Section 323/354/509/506/34 of the Indian Penal Code, 1860 (*hereinafter referred to as "IPC, 1860"*), registered at Police Station Dabri.
2. Issue notice.
3. Mr. Sanjeev Sabharwal, learned Additional Public Prosecutor appearing on advance notice, accepts notice on behalf of the State.
4. Brief facts of the case are that the marriage was solemnized between Mr. Kanhiya and respondent No. 2 on 07.12.2020, according to Hindu rites



and ceremonies and no child was born out of the said wedlock.

5. Briefly stated that due to temperamental differences, they had been living separately since 22.11.2021 and had not been able to live together since then. Petitioner No. 1 is the mother-in-law of the respondent No.2 and petitioner No. 2 is the brother-in-law of the respondent No. 2.

6. On the complaint of respondent No. 2, an FIR bearing No. 329/2022 for the offence under Section 323/354/509/506/34 of the IPC, has been registered at Police Station Dabri. A Criminal Case No. 9390/2022, titled *State vs. Kamlesh & Others*, was also registered against the petitioners, before the Court of learned Metropolitan Magistrate, Dwarka Courts, Delhi.

7. It is stated that the petitioners and the respondent No. 2 have amicably settled all the disputes and differences between them and arrived at Settlement Deed dated 25.08.2023, before the Family Court, Counselling Cell, which is taken on record. It was *inter alia* settled between the parties that the husband shall pay to the wife a sum of Rs. 3,75,000/- as full and final settlement (against stridhan and dowry, maintenance toward past, present and future qua this marriage) in two instalments by the way of DD/pay Order. First Motion Petition under Section 13 B (1) of HMA was also filed by Mr. Kanhiya/husband and the respondent No. 2/wife, before the Principal Judge, Family Court, West District, Tis Hazari Court, Delhi.

8. It is also stated that on 11.10.2023, the marriage between Mr. Kanhiya/husband and respondent No. 2 had been dissolved as per Hindu law.

9. In view of the Settlement Deed dated 25.08.2023, the present petition has been filed.

10. 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.

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

12. 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 fresh Settlement Deed and they also submit that the said Settlement Deed has been arrived at between the parties without any pressure and coercion.

13. It is submitted that the husband of the complainant/wife, has died and fresh Agreement of Settlement has been arrived at between the parties. The original Agreement of Settlement has been filed today, which is taken on record. Essentially, this FIR was an outcome of the matrimonial dispute between the complainant and the petitioners, who are mother-in-law and brother-in-law of the respondent No.2. After the demise of the husband, the respondent No. 2 is residing with her mother. The respondent No. 2/wife, who is present in the Court, states that she has no objection if the FIR is quashed.

14. 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.



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

16. Accordingly, the FIR bearing No. 329/2022 for the offence under Section 323/354/509/506/34 of the IPC, has been registered at Police Station Dabri and all consequential proceedings emanating therefrom are quashed.

17. The petition stands disposed of.

NEENA BANSAL KRISHNA, J

SEPTEMBER 2, 2024/RS