$~53

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

\+ CRL.M.C. 2767/2024

DEEPAK GUPTA AND ORS. ..... Petitioners

Through: Mr. Vikas Sharma, Advocate alongwith petitioners in person

versus

STATE NCT OF DELHI AND ANR & ANR. ..... Respondents

Through: Mr. Satish Kumar, APP for State with IO, P.S. Nihal Vihar.
Respondent no. 2 in person

CORAM:
HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

O R D E R

% 05.04.2024

CRL.M.A. 10548/2024 (exemption)

1. Allowed, subject to all just exceptions.

2. Application stands disposed of.

CRL.M.C. 2767/2024

3. The instant petition under Section 482 of the Code of Criminal Procedure, 1973 (*'Cr.P.C.'*) has been filed on behalf of petitioners seeking quashing of FIR bearing no. 1093/2023 registered at Police Station Nihal Vihar, Delhi for offence punishable under Sections 498A/406/34 of the Indian Penal Code, 1860 (*'IPC'*) and all consequential proceedings emanating therefrom.

4. Issue notice. Mr. Satish Kumar, learned APP accepts notice on behalf of the State.

This is a digitally signed order.
The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.
The Order is downloaded from the DHC Server on 02/07/2025 at 07:48:34

5. Petitioners are present before this Court and have been identified by their counsel Mr. Vikas Sharma and Investigating Officer (IO) from Police Station Nihal Vihar, Delhi.

6. Brief facts of the present case are that the marriage between petitioner no. 1 and respondent no. 2 was solemnized on 01.12.2021 according to Hindu rites and ceremonies at Delhi. No child was born out of the said wedlock. It is stated that due to temperamental differences and other disputes which had arisen between the parties, both the parties started living separately since 24.05.2022. It is stated that on the complaint of respondent no. 2, the present FIR bearing no. 1093/2023 was registered at Police Station Nihal Vihar, Delhi against the petitioners for the offences punishable under Sections 498A/406/34 of IPC. It is stated that during the pendency of the case, both the parties have amicably settled all their disputes before counselling Cell, Family Court *vide* Settlement dated 15.12.2023.

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 settlement 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 *vide* Settlement dated 15.12.2023 and that they have obtained decree of divorce by way of mutual consent.

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 the petitioners. The petitioner no. 1 had paid a sum of Rs.10,00,000/- in three installments in the following manner:

a. First installment of Rs.3,00,000/- paid to respondent no. 2 at the

This is a digitally signed order.
The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.
The Order is downloaded from the DHC Server on 02/07/2025 at 07:48:34

time of recording of statement in the first motion petition.

b. Second installment of Rs. 3,00,000/- paid to respondent no. 2 at the time of recording of statement in the second motion petition..

c. Third installment of Rs. 4,00,000/- to respondent no. 2 to be paid at the time of quashing of the FIR before the Hon'ble High Court at New Delhi.

9. Today, the complainant who is present in Court states that she has received the last and final installment of Rs.4,00,000/- today i.e. 05.04.2024 *vide* DD No. 003814 drawn on HDFC Bank, Samaypur Baldi Branch, New Delhi and has no objection if the FIR is quashed.

10. 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.

11. Accordingly, FIR bearing no. 1093/2023 registered at Police Station Nihal Vihar, Delhi for offence punishable under Sections 498A/406/34 of the Indian Penal Code, 1860 and all consequential proceedings emanating therefrom are quashed.

12. The petition stands disposed of.

13. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

APRIL 5, 2024/ns

Click here to check corrigendum, if any

This is a digitally signed order.
The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.
The Order is downloaded from the DHC Server on 02/07/2025 at 07:48:34