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

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Date of Decision: 30.04.2024

+ W.P.(CRL). 1102/2024

SHIVAM DEWAN & ORS.

..... Petitioners

Through: Mr.Neeraj Dahiya, Advocate with
petitioners in person.

versus

THE STATE & ANR.

..... Respondents

Through: Mr. Anand V. Khatri, ASC, APP for
State with SI Deepika & SI Shamsher,
PS Pashchim Vihar.
Mr.Tushar Rohmetra, Advocate with
respondent no. 2 in person.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

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J U D G M E N T

ANOOP KUMAR MENDIRATTA, J (ORAL)

1. A Writ Petition under Article 226 read with Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been preferred on behalf of the petitioners for quashing of FIR No. 0428/2022, under Sections 498A/406/34 IPC registered at P.S.: Pashchim Vihar East and proceedings emanating therefrom.

2. In brief, as per the case of the petitioners, marriage between petitioner No. 1 and respondent No. 2 was solemnized according to Hindu rites and ceremonies on 28.11.2019. A female child was born out of the wedlock who is in custody of respondent No.2. Due to temperamental differences, respondent No. 2 and petitioner No. 1 started living separately. On complaint



of respondent No. 2, present FIR was registered on 28.03.2022.

3. The disputes are stated to have been amicably settled between the parties in terms of Settlement Deed dated 28.10.2023. The marriage between petitioner No. 1 and respondent No. 2 has been dissolved by decree of divorce by way of mutual consent under Section 13B(2) of the Hindu Marriage Act, 1955 vide judgment and decree dated 24.01.2024.

4. Balance amount of Rs. 10,00,000/- has been paid to respondent No. 2 today through DD No. 239204 dated 25.04.2024 drawn on State Bank of India, Kohat Enclave Pitampura, New Delhi in favour of respondent No. 2, in terms of settlement between the parties.

5. Learned ASC for the State submits that in view of amicable settlement between the parties, the State has no objection in case the FIR in question is quashed.

6. Petitioners as well as respondent No. 2 are present in person and have been identified by SI Deepika and SI Shamsheer, PS Pashchim Vihar. I have interacted with the parties and they confirm that the matter has been amicably settled between them without any threat, pressure or coercion. Respondent No. 2 also states that nothing remains to be further adjudicated upon between the parties and she has no objection in case the FIR in question is quashed.

7. Considering the facts and circumstances, since the matter has been amicably settled between the parties, no useful purpose shall be served by keeping the case pending. It would be nothing but an abuse of the process of Court. Consequently, FIR No. 428/2022, under Sections 498A/406/34 IPC registered at P.S.: Pashchim Vihar and proceedings emanating therefrom stand quashed.



Petition is accordingly disposed of. Pending applications, if any, also stand disposed of.

A copy of this order be forwarded to the learned Trial Court for information.

ANOOP KUMAR MENDIRATTA, J.

APRIL 30, 2024/K