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

+ **CRL.M.C. 2779/2024**

ARUN KUMAR & ORS.

..... Petitioners

Through: Mr. Vineet Malhotra, Mr. Satvinder Singh, Mr. Kamaljeet Singh and Ms. Reena Jain Malhotra, Advocates along with petitioners.

versus

STATE NCT OF DELHI AND ANR.

..... Respondents

Through: Mr. Manjeet Arya, APP for the State with SI Raghubir Prasad, P.S. Khyala along with W/SI Satyawati.
Mr. R.K. Kohli, Ms. Jyoti Kohli, Mr. Rajat Kohli, Advocates for R-2 along with R-2.

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

08.04.2024

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CRL.M.A. 10574/2024 (exemption)

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

CRL.M.C. 2779/2024

3. The present petition under Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been filed by the petitioners seeking quashing of FIR bearing No. 27/2018, registered at Police Station Khayala, Delhi, for offences punishable under Sections 498A/406/34 of the Indian



Penal Code, 1860 ('IPC').

4. Issue notice. Mr. Manjeet Arya, learned APP accepts notice on behalf of the State.

5. All the petitioners are present before this Court, and have been identified by their counsel, as well Investigating Officer SI Raghbir Prasad, Police Station Khayala, Delhi.

6. Brief facts of the case are that the petitioner no. 1 got married to respondent no. 2 on 09.12.2012, according to Hindu rites and customs. One male child namely Aarav was born out of the said wedlock. It is stated that due to certain differences that arose between them, the parties above started living separately since 28.06.2017. On the complaint of respondent no. 2, an FIR got registered bearing No. 27/2018, against the petitioners, at Police Station Khyala, Delhi, for offences punishable under Sections 498A/406/34 of IPC. It is stated that with the intervention of respectable persons of the society, common friends, relatives and well wishers of both the parties, and the Mediation, the matter has been amicably settled between the parties vide before the Mediation Centre, Tis Hazari Courts, Delhi vide Mediation Settlement dated 17.11.2021. It is further submitted that a divorce decree was granted to the parties above on 01.12.2021. Hence, the present petition is filed for quashing of the said FIR.

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 and affidavits showing the protection of interest of minor children 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. Today, the complainant, who is present in Court states that she has received the last instalment of Rs. 5,00,000/-(Rupees Five Lacs Only) vide DD No. 848454 drawn on State Bank of India out of the total consideration amount of Rs. 28,00,000/- (Rupees Twenty Eight Lacs Only) 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. 27/2018, registered at Police Station Khayala, Delhi, for offences punishable under Sections 498A/406/34 of IPC and all consequential proceedings emanating therefrom are quashed.

12. The present petition stands disposed of.

13. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

APRIL 8, 2024/zp

Click here to check corrigendum, if any