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

+ CRL.M.C. 2800/2024

SH. DEVENDER KUMAR ARYA AND ORSPetitioners

Through: Mr. Rampal Kumar, Advocate with
petitioners in person.

versus

THE STATE GOVT OF NCT OF DELHIRespondent

Through: Mr. Umardeen, Advocate for R-2
with R-2 in person.
S.I. Vishal, PS Mayur Vihar, Phase-I,
Delhi.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

% **10.07.2024**

1. The present Petition under Section 482 of 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. 0351/2022 registered under Sections 498A/406/34 of the Indian Penal Code, 1860 (*hereinafter referred to as "IPC, 1860"*) at Police Station Mayur Vihar, Phase-I, Delhi.
2. Issue notice.
3. Mr. Hemant Mehla, learned Additional Public Prosecutor appearing on advance notice, accepts notice on behalf of the State.
4. Mr. Umardeen, learned counsel appearing on advance notice, accepts notice on behalf of the respondent No. 2.
5. Brief facts of the case are that the marriage was solemnized between



petitioner No. 1 and respondent No. 2 on 01.02.2017 according to Hindu rites and ceremonies and no child born from the said wedlock.

6. It is further submitted that on 07.06.2022 on the complaint of respondent No. 2, an FIR bearing No. 0351/2022 under Sections 498A/406/34 of the IPC, 1860 got registered at Police Station Mayur Vihar, Phase-I, Delhi.

7. It is submitted that during the pendency of the litigations, the parties, with the mutual consent, have amicably settled all the disputes and differences between them *vide* Settlement dated 23.01.2024 in Mediation Centre, Karkardooma Courts, Delhi which *inter alia* states that: -

- (i) That the respondent No. 2/wife and the petitioner No. 1/husband shall dissolve their marriage by decree of mutual consent under Section 13(B) of the Hindu Marriage Act, 1955,
- (ii) A total sum of Rs. 6,10,000/- shall be paid to the respondent No. 2/wife by the petitioner No. 1 towards her full and final amount of all the claims,
- (iii) First instalment of Rs. 2,50,000/- shall be paid at the time of recording of statement of First Motion Petition under Section 13(B) of the Hindu Marriage Act, 1955,
- (iv) Second instalment of Rs. 2,50,000/- shall be paid at the time of recording of statement of Second Motion Petition under Section 13(B) of the Hindu Marriage Act, 1955,
- (v) The third and final instalment of Rs. 1,10,000/- shall be paid at the time of withdrawal of Petition under Section 125 Cr.P.C., 1973 and Complaint Case No. 1119/2022 under Section 12 of the Protection of Women from Domestic Violence Act, 2005,



(vi) That all the pending cases against the petitioners shall be withdrawn by the respondent No. 2.

8. It is further stated that Rs. 5,00,000/- has already been paid by the petitioner No. 1 to the respondent No. 2 viz., the aforesaid two instalments.

9. It is also stated that the second Motion Petition under Section 13(B) of the Hindu Marriage Act, 1955 shall be filed in the Court of competent jurisdiction on 20.07.2024 on account of six months completion of statutory period of first Motion Petition,

10. In view of the Settlement dated 23.01.2024, the present petition has been filed.

11. The petitioners and respondent No. 2 are present before this Court in-person today, and they have been identified by their counsel and Investigating Officer concerned.

12. The third instalment of Rs. 1,10,000/- has been paid to the respondent No. 2/wife by the petitioner No. 1 today, Rs. 90,000/- *vide* Demand Draft No. 914718 dated 08.07.2024 made in favour of the respondent No. 2/Chhaya Kumari, drawn on Punjab National Bank, AVPS Main Bazar, Ballabhgar, Faridabad, Haryana and Rs. 20,000/- cash has also been handed over to the respondent No. 2/wife and the same has been accepted by the respondent No. 2/wife.

13. The parties have submitted that all the disputes have been amicably settled *vide* Settlement dated 23.01.2024 and thus, no fruitful purpose will be served in continuing with the FIR.

14. The present petition has been signed by all the petitioners and the respondent No. 2 and is supported by their respective affidavits. The parties have reaffirmed the terms of the settlement and they also submit that the said



settlement has been arrived at between the parties without any pressure and coercion.

15. Today, the complainant/respondent No. 2/wife, who is present in Court, states that she has received all amounts due to her and has no objection if the FIR is quashed.

16. 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.

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

18. Accordingly, FIR bearing No. 0351/2022 registered at Police Station Mayur Vihar, Phase-I, Delhi, for offences punishable under Sections 498A/406/34 of IPC, 1860 and all consequential proceedings emanating therefrom are quashed.

19. The petition stands disposed of.

NEENA BANSAL KRISHNA, J

JULY 10, 2024
S.Sharma