



\$~65

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

+ **CRL.M.C. 2801/2024**

KASHISH ARORA AND ORS

..... Petitioners

Through: Mr Vishesh Wadhwa, Ms Dikshika Hoon, Advocates along with petitioner nos.1 and 3 in person and petitioner nos.2 and 4 through VC.

versus

STATE GOVT. OF NCT OF DELHI AND ANR. Respondents

Through: Mr Raj Kumar, APP for the State with SI Mahesh, PS Palam Village. Mr Jogender Kumar and Mr Sumit Dagar, Advocates for R-2 along with R-2 in person.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

%

08.04.2024

CRL.M.A. 10645/2024

1. Allowed, subject to all just exceptions.

CRL.M.C. 2801/2024

2. The present petition has been filed under Section 482 CrPC seeking quashing of FIR No.0256/2022 under Sections 498A/406/34 IPC registered at Police Station Palam Village and all consequential proceedings emanating therefrom on the ground that the parties have arrived at a settlement.

3. Issue notice. The learned APP for the State accepts notice. He submits that since the FIR is an outcome of a matrimonial dispute and the parties have arrived at a settlement, the State has no objection in case the FIR in



question is quashed.

4. The petitioner no.1 (former husband), the petitioner no.3 (father of the petitioner no.1), as well as, respondent no. 2 (former wife) are present in the Court whereas the petitioner nos.2 and 4 (the mother and sister respectively of the petitioner no.1) have joined through video conferencing. The parties have been identified by their respective counsel and by the Investigating Officer SI Mahesh, PS Palam Village.

5. The brief facts of the case are that the marriage between the petitioner no.1 and respondent no. 2 was solemnized on 14.04.2018 according to Hindu Rites and Customs. No child was born out of the said wedlock.

6. On account of temperamental issues certain disputes arose between the parties and they started living separately w.e.f. 05.11.2018. The dispute between the parties also led to the registration of present FIR.

7. During the pendency of the proceedings, the parties were referred to Counselling Cell, Family Courts, West District, Dwarka, Delhi where they arrived at a settlement, terms whereof were reduced in writing in the form of Settlement dated 02.2.2023, which is annexed as Annexure-B to the present petition.

8. In terms of the said settlement, the parties decided to dissolve their marriage by filing a petition for divorce by way of mutual consent. Accordingly, the petitioner no.1 and respondent no.2 have obtained a decree of divorce dated 27.02.2024, which is annexed as Annexure-F to the present petition.

9. It is a term of the settlement between the parties that the petitioner no.1 shall pay a total sum of Rs.26,50,000/- to the respondent no.2 towards full and final settlement of all her claims on account of *streedhan*,



permanent alimony, dowry articles, maintenance (past, present and future) etc. Out of the said amount, a sum of Rs.16,50,000/- has already been paid by the petitioner no.1 to the respondent no.2 in the manner as mentioned in the settlement. The remaining amount of Rs.10,00,000/- has been paid to the respondent no.2 today in the court by the petitioner no.1 by way of Demand Draft bearing No.015830 dated 04.04.2024 issued by IDBI Bank, Delhi-Dwarka Sector-20.

10. The receipt of entire amount of Rs. 26,50,000/- is acknowledged by the respondent no.2, who is present in court.

11. The respondent no.2, on a query put by the Court, states that she has no objection in case the FIR is quashed.

12. In view of the fact that the parties have arrived at a settlement, no useful purpose will be served in continuing the proceedings, rather the same would create further acrimony between them.

13. It is, thus, in the interest of justice that the present FIR and all the other proceedings emanating therefrom be quashed.

14. Consequently, the petition is allowed and the FIR No.0256/2022 under Sections 498A/406/34 IPC registered at Police Station Palam Village alongwith all other proceedings emanating therefrom, is quashed.

15. The petition stands disposed of in the above terms.

16. Order be uploaded on the website of this court.

VIKAS MAHAJAN, J

APRIL 8, 2024/MK