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

+ **W.P.(CRL) 1109/2024**

TINKU TIWARI & ORS.

.....Petitioner

Through: Mr. Sunil Kumar Agarwal and Ms. Neelam Agarwal, Advocates with P-1 to P-6 in person.

versus

THE STATE OF NCT OF DELHI & ANR.

.....Respondent

Through: Mr. Anand V. Khatri, Ld. ASC for State with Ms. Kalpana Jha, Advocate with SI Sumir Dahiya, P.S. Anand Vihar.
Ms. Priyanka Bhardwaj, Mr. Akash Sharma, Ms. Aparna Gupta and Ms. Anamika Singh, Advocates for R-2 with R-2 in person.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

% **30.07.2024**

CRL.M.A. 22279/2024 (For Preponment of Date of Hearing)

1. An application has been filed for preponment of the date of hearing.
2. All the parties present and have no objection if the matter is taken up today.
3. The application is allowed.

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4. The Petition under Section 482 of the 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. 805/2015, registered under Sections 406/498A/34 of the Indian Penal Code, 1860 (*hereinafter referred to as “IPC, 1860”*) at Police Station Aman Vihar.

5. Brief facts of the case are that the marriage was solemnized between petitioner No. 1 and respondent No. 2 on 15.12.2005, according to Hindu rites and ceremonies and one daughter named Khushi was born from the said wedlock, who has died.

6. It is further submitted that on 06.07.2015, on the complaint of respondent No. 2, an FIR bearing No. 805/2015 was registered under Sections 406/498A/34 of the Indian Penal Code, 1860, at Police Station Aman Vihar.

7. It is stated that the petitioner No. 1 and the respondent No. 2 have amicably settled all the disputes and differences between them and arrived at Settlement dated 06.02.2019 wherein it was *inter alia* settled between the parties that the respondent No. 2/wife and the petitioner No. 1/husband shall dissolve their marriage by decree of mutual consent. It is stated that petitioner No. 1/husband shall pay a sum of Rs. 3,00,000/- towards full and final settlement of all the claims of the respondent No. 2/wife in four instalments of Rs.75,000/- each. The first instalment shall be paid at the time of withdrawal of DV Complaint Case No.32/4/2015; second instalment shall be paid at the time of recording of joint statement in First Motion petition; third instalment shall be paid at the time of recording of joint statement in Second motion petition and fourth instalment shall be paid at the time of quashing of FIR.

8. It is further stated that a sum of Rs.2,62,500/- has already been paid



by the petitioner No.1 to the respondent No.2 and the remaining sum of Rs. 37,500/- in cash has been paid by the petitioner No. 1/husband today in the Court, which is accepted by respondent No.2.

9. It is also stated that on 05.07.2019, the marriage between petitioner No. 1 and respondent No. 2 had been dissolved as per Hindu law.

10. In view of the Settlement Deed dated 06.02.2019, the present petition has been filed.

11. The parties are present before this Court in-person today, and have been identified by their respective counsels.

12. The parties have submitted that all the disputes have been amicably settled *vide* Settlement Deed dated 06.02.2019 and thus, no fruitful purpose will be served in continuing with the FIR.

13. The present petition has been signed by all the petitioners and is supported by their respective affidavits. The parties have reaffirmed the terms of the settlement arrived at *vide* Settlement dated 06.02.2019 and they also submit that the said Settlement Deed 06.02.2019 has been arrived at between the parties without any pressure and coercion.

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

15. 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.



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

17. Accordingly, FIR No. 805/2015 for the offence punishable under Sections 406/498A/34 of IPC, 1860, Registered at Police Station Aman Vihar and all consequential proceedings emanating therefrom are quashed.

18. The petition stands disposed of.

19. The next date of hearing i.e. 17.09.2024, stands cancelled.

NEENA BANSAL KRISHNA, J

JULY 30, 2024/va