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

+ **CRL.M.C. 2819/2024 & CRL.M.A. 10696/2024**

ASHISH KUMAR @ ASHISH

PATHANIA AND ANR

..... Petitioners

Through: Mr. Nikhil Kushwah and Mr. Rajat
Bawaniwal, Advocates with
petitioners in person.

versus

THE STATE GOVT.OF NCT

OF DELHI AND ANR.

..... Respondents

Through: Mr. Nawal Kishore Jha, APP for State
with SI Naveen PS Palam Village,
Delhi.
Respondent No.2 in person.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

08.04.2024

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1. The present petition has been filed under Section 482 Cr.P.C. on behalf of the petitioners seeking quashing of FIR No. 68/2017 registered under Sections 498-A/406/34 IPC at P.S. Palam Village, Delhi on the ground that the parties have amicably settled their disputes.
2. The present FIR is an outcome of a matrimonial dispute between the complainant/respondent No. 2 (wife) and petitioner No. 1 (husband) and petitioner No. 2 is the mother-in-law of the complainant.
3. Mr. Nawal Kishore Jha, learned APP for the State submits that in the present case petitioners are the only accused persons and respondent No. 2 is the complainant/victim. He further submits that charge-sheet has been filed.
4. Learned counsel for the petitioners submits that the parties have settled their disputes before the Mediation Centre, Dwarka Courts on



10.12.2018. In terms of the settlement, the parties have already been granted divorce by mutual consent vide divorce decree dated 12.04.2019 passed by the Family Court, Dwarka, New Delhi in HMA No. 971/2019. It was agreed that a sum of Rs.15,00,000/- as full and final settlement shall be paid by petitioner No. 1 to respondent No. 2 towards her claims qua maintenance, stridhan, alimony, etc. It is further submitted that out of the settled amount of Rs.15,00,000/-, remaining balance amount of Rs.5,00,000/- is being paid today through a demand draft bearing number 006019 drawn on HDFC Bank, JMD Mega Polis Sohna Road, Gurgaon-122001, a photocopy of which has been placed on record.

5. Learned counsel for the petitioners, on instructions from the petitioner No.1, submits that there is a female minor child born out of the wedlock. The petitioner No.1, who is present in the Court states that rights of the minor child, who is in the custody of respondent No.2, as available under the law shall remain unaffected by the terms of the settlement. The statement is accepted and taken on record. The petitioner No.1 is made bound by the same. In acknowledgement of the said statement, petitioner No.1 and his counsel have also signed the order sheets.

6. Petitioner No.1, who is present in Court and his mother through V.C., have been identified by their counsel as well as by I.O./ SI Naveen PS Palam Village, Delhi.

7. Respondent No. 2, who is also present in Court and identified by the I.O., states that she has settled her disputes with petitioner No.1 of her own free will, volition and without any coercion. She also acknowledges the receipt of entire settled amount and submits that she has no objection in case the FIR is quashed against the petitioners subject to encashment of the



demand draft of Rs.5,00,000/- handed over to her today.

8. Learned counsel for the petitioners submits that no other proceedings are pending between the parties.

9. The parties shall remain bound by the statements and undertaking made in Court today.

10. In view of the above facts and since no useful purpose will be served in continuance of the present criminal proceedings, it is directed that the aforesaid FIR and the consequent proceedings arising therefrom are hereby quashed, subject to encashment of aforesaid demand draft of Rs 5 lacs.

11. With the above directions, the petition is disposed of alongwith miscellaneous application.

MANOJ KUMAR OHRI, J

APRIL 8, 2024/rd