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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 2888/2024 & CRL.M.A.11041/2024
SH YATIN MALHOTRA AND ORS Petitioners
Through: Mr. Sanjay Singh, Advocate
M. No.9958118327

versus

THE GOVT OF N C T DELHI AND ANR Respondents
Through: Mr. Manoj Pant, APP for State with
SI Anjali Panwar, P.S. KNK Marg
R-2 in person

CORAM:
HON'BLE DR. JUSTICE SUDHIR KUMAR JAIN

ORDER
10.04.2024

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1. The present petition is filed under section 482 Cr.P.C. for quashing of FIR bearing no.0263/2022 dated 08.04.2022 registered under sections 498A/406/354A/34 IPC at P.S. K N Katju Marg along with consequential proceedings.
2. Issue notice.
3. Mr. Manoj Pant, Additional Public Prosecutor assisted by Investigating Officer SI Anjali Panwar, P.S. KNK Marg accepts notice on behalf of the respondent no.1/State. The respondent no.2 is present in person and accepts notice.
4. The petitioner no.1 and the respondent no.2 got married on 28.02.2021 according to Hindu Rites and Customs at Delhi and no child was born out of their marriage. The petitioner no.1 and the respondent no.2 due to matrimonial differences started to live separately without any cohabitation since 20.03.2021. Due to matrimonial differences, the petitioner no.1 and the



respondent no.2 initiated legal proceedings against each other.

5. FIR bearing no.0169/2022 was got registered under sections 323/341/506/34 IPC at P.S. South Rohini, Delhi at the instance of the respondent no.2 where the charge-sheet has not been filed.

6. It is also stated that one petition **Charanjeet Lal Vs. Yudhister@ Yatin and Other** under the Maintenance and Welfare of Parents and Senior Citizen Act, 2007 which was stated to be pending before Gohna Court, Haryana has already been disposed of. The petition bearing CT no.113/2022 titled as **XYZ V Yatin & Ors.** which was stated to be pending in the Court of Ms. Neha Mittal, MM (Mahila Court) Rohini Courts, Delhi.

7. The present FIR bearing no.0263/2022 was got registered under sections 498A/406/354A/34 IPC at P.S. K N Katju Marg at the instance of the respondent no.2 as per the allegations as stated in the FIR wherein the petitioners except petitioner no.7 were implicated. The investigation is still pending and the charge-sheet has not been filed. The petitioner nos.1 to 6 and the respondent no.2 are identified by the Investigating Officer SI Anjali Panwar, P. S. KNK Marg.

8. The petition bearing CT no.113/2022 was referred to Delhi Mediation Centre, Rohini Courts, Delhi wherein the petitioner no. 1 and the respondent no. 2 have settled their disputes vide Settlement/Agreement dated 06.05.2022 whereby they have agreed to dissolve their marriage by way of divorce by mutual consent as per section 13B of Hindu Marriage Act, 1955. The petitioner no.1 has also agreed to pay Rs.14,00,000/- to the respondent no.2 towards full and final satisfaction of all her claims/legal entitlements (past, present and future) including permanent alimony/maintenance/istridhan etc. other miscellaneous and legal expenses



as per the schedule as mentioned in the Settlement/Agreement. The petitioner no.1 has already paid Rs.10,00,000/- to the respondent no.2 which is acknowledged by the respondent no.2. The petitioner no.1 also delivered a cheque amounting to Rs.2,00,000/- bearing no. 067211 dated 14.08.2023 drawn on Central Bank of India which is accepted by the respondent no. 2. It was also agreed that the balance amount of Rs. 2,00,000/- shall be paid at the time of disposal of judicial proceedings arising out of FIR bearing no.0169/2022 registered under sections 323/341/506/34 IPC at P.S. South Rohini, Delhi.

9. The marriage between the petitioner no.1 and the respondent no.2 has been dissolved by way of decree of divorce by mutual consent as per section 13B (2) of the Hindu Marriage Act, 1955 by the court of Ms. Nivedita Anil Sharma, Principal Judge, Family Courts, North, Rohini Courts, Delhi vide judgment dated 23.02.2023 in petition bearing HMA no.394/2023 titled as **XYZ and Yatin Malhotra**.

10. The respective counsel for the petitioners and respondent no.2 stated that the disputes between the petitioners and the respondent no.2 have already been settled vide Settlement/Agreement dated 06.05.2022 the terms and conditions of which have already been executed. The marriage between the petitioner no.1 and the respondent no. 2 has already been dissolved as such, the present petition be allowed and FIR bearing no. 0263/2022 registered under sections 498A/406/354A/34 IPC at P.S. K N Katju Marg be quashed along with consequential proceedings.

11. The respondent no.2 stated that she has settled with the petitioner no.1 and his family members out of her own free will and without any force, fear or coercion and her marriage with the petitioner no.1 has already been



dissolved as such, she does not have any objection if the present petition is allowed and FIR bearing no. 0263/2022 registered under sections 498A/406/354A/34 IPC at P.S. K N Katju Marg is quashed alongwith consequential proceedings.

12. The Additional Public Prosecutor stated that the petitioner no.1 and the respondent no.2 have already settled their disputes vide Settlement/Agreement dated 06.05.2022 and their marriage has already been dissolved as such, he does not have any objection if the present petition is allowed and FIR bearing no. 0263/2022 registered under sections 498A/406/354A/34 IPC at P.S. K N Katju Marg is quashed along with consequential proceedings.

13. The petitioner no.1 and the respondent no. 2 got married on 28.02.2021 and due to matrimonial differences, they are living separately without any cohabitation since 20.03.2021. The petitioner no.1 and the respondent no.2 have already settled their pending disputes vide Settlement/Agreement dated 06.05.2022, the terms and conditions of which have already been executed and the respondent no.2 has already received the entire settled amount. The marriage between the petitioner no.1 and the respondent no. 2 has already been dissolved as detailed hereinabove. No useful purpose shall be served if the proceedings arising out of FIR bearing no.0263/2022 are allowed to be continued and it would be an exercise in futility.

14. After considering all facts and in the interest of parties, the present petition is allowed and FIR bearing no. 0263/2022 registered under sections 498A/406/354A/34 IPC at P.S. K N Katju Marg is quashed along with consequential proceedings.



15. The present petition along with pending applications, stands disposed of.

DR. SUDHIR KUMAR JAIN, J

APRIL 10, 2024/j/ak