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

+ **CRL.M.C. 3008/2024**

SWAMI SHARAN @ SONU

..... Petitioner

Through: Mr Himanshu Rathi, Advocate along
with petitioner in person.

versus

THE STATE OF NCT OF DELHI AND ANR Respondents

Through: Mr Hitesh Vali, APP for the State SI
Abhishek, PS Jyoti Nagar.
Respondent no.2 in person.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

% **22.04.2024**

CRL.M.A. 11590/2024

1. This is an application seeking condonation of delay of 60 days in re-filing the present petition.
2. For the reasons mentioned in the application, the delay of 60 days in re-filing the present petition is condoned.
3. The application is disposed of.

CRL.M.A. 11589/2024

4. Allowed, subject to all just exceptions.

CRL.M.C. 3008/2024

5. The present petition has been filed under Section 482 CrPC seeking quashing of FIR No.0072/2017 under Sections 498A/406/34 IPC and Section 3/4 of Dowry Prohibition Act registered at Police Station Jyoti Nagar and all consequential proceedings emanating therefrom on the ground that the parties have arrived at a settlement.
6. 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.

7. The petitioner no.1 (former husband) and petitioner nos.2 to 7, who are close relatives of the petitioner no.1, as well as, respondent no. 2 (former wife) are present in the Court and they have been identified by their respective counsel and by the Investigating Officer SI Abhishek, PS Jyoti Nagar.

8. The brief facts of the case are that the marriage between the petitioner no.1 and respondent no. 2 was solemnized on 19.11.2010 according to Hindu Rites and Customs. No child was born out of the said wedlock.

9. On account of temperamental issues certain disputes arose between the parties and they started living separately w.e.f. 18.09.2016. The dispute between the parties also led to the registration of present FIR.

10. During the pendency of the proceedings, the parties were referred to Counselling Cell, attached to the Family Court, Karkardooma, Delhi, where they arrived at a settlement, terms whereof were reduced in writing in the form of Settlement dated 29.07.2019, which is annexed as Annexure P-6 to the present petition.

11. 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 08.01.2020, which is annexed as Annexure P-8 to the present petition.

12. It is a term of the settlement between the parties that the petitioner no.1 shall pay a total sum of Rs.2,00,000/- 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.1,50,000/- 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.50,000/- has been paid to the respondent no.2 today in the court by the petitioner no.1 by way of Demand Draft bearing No.523162 dated 06.04.2024 issued by State Bank of India, Jyoti Nagar.

13. The receipt of entire amount of Rs.2,00,000/- is acknowledged by the respondent no.2, who is present in court.

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

15. 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.

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

17. Consequently, the petition is allowed and the FIR No.0072/2017 under Sections 498A/406/34 IPC and Section 3/4 of Dowry Prohibition Act registered at Police Station Jyoti Nagar alongwith all other proceedings emanating therefrom, is quashed.

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

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

VIKAS MAHAJAN, J

APRIL 22, 2024/MK