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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 3921/2023**

ABHISHEK KUMAR & ORS.

.... Petitioners

Through: Mr. F.A. Farooqui, Advocate with
petitioners in person.

versus

THE STATE & ANR.

..... Respondents

Through: Mr. Laksh Khanna, APP for State
with SI Jaivind Kumar, P.S. Jamia
Nagar.

Mr. Jameel Ahmad, Advocate for
respondent No.2 with respondent
No.2 in person.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

25.01.2024

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1. The present petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.843/2012 registered under Sections 498A/406/34 IPC at P.S. Jamia Nagar, 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) whereas petitioner Nos. 2 and 3 are the in-laws of the complainant.
3. Mr. Khanna, learned APP for the State submits that in the present case petitioners are the only accused persons and respondent No. 2 is the only complainant/victim.
4. Learned counsel for the petitioners submits that the parties have settled their disputes before the Counselling Cell, Family Court, Saket



Court, New Delhi on 23.03.2018. In terms of the settlement, petitioner No.1 and respondent No.2 have already been granted divorce by mutual consent vide divorce decree dated 13.01.2022 passed by the Family Court, South District, Saket, New Delhi in HMA No. 22/67. As per the terms of settlement, it was agreed that a sum of Rs.1,95,000/- as full and final settlement shall be paid by petitioner No. 1 to respondent No. 2. It is further submitted that out of the settlement amount of Rs.1,95,000/-, an amount of Rs.1,45,000/- has already been paid and the remaining amount of Rs.50,000/- is being paid today through a demand draft, a photocopy of which has been placed on record. Learned counsel for the petitioners further submits that an affidavit in terms of the decision of the Supreme Court in Ganesh v. Sudhirkumar Shrivastava and Others reported as **2019 SCC OnLine SC 1107** has also been filed thereby undertaking that the settlement executed between the parties shall not bind the rights of their child, namely *Krishna*, who is in the custody of respondent No.2.

5. Petitioners and respondent No.2, who are present in Court, have been identified by their respective counsel as well as by the IO/SI Jaivind Kumar, P.S. Jamia Nagar.

6. Respondent No. 2 states that she has settled her disputes with the petitioners of her own free will, volition and without any coercion. She further submits that she has no objection in case the FIR is quashed against the petitioners subject to encashment of the demand draft of Rs.50,000/- handed over to her today.

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

8. The parties shall remain bound by the statements and undertaking



made in Court today.

9. 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.50,000/-.

10. With the above directions, the petition is disposed of.

MANOJ KUMAR OHRI, J

JANUARY 25, 2024

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