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

+ **CRL.M.C. 3175/2024**

ARYENDU AMBESH & ORS.

..... Petitioners

Through: Ms. Jyoti Singh, Adv. along with
petitioners in-person.

versus

STATE & ANR.

..... Respondents

Through: Ms. Meenakshi Dahiya, APP for
State.
SI Ajit Krishna, PS: Gokulpuri.
Mr. Maneesh Kumar, Adv for R-2
with R-2 in-person.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

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25.04.2024

CRL.M.A. 12249/2024 (Ex.)

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

CRL.M.C. 3175/2024

3. This petition under Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been preferred on behalf of the petitioners for quashing of FIR No. 0188/2018 dated 22.04.2018 under Sections 498A/406/34 Indian Penal Code, 1860 ('IPC') and Sections 3/4 of the Dowry Prohibition Act, 1961 registered at P.S.: Gokul Puri, Delhi and proceedings emanating therefrom.



4. Issue notice. Learned APP for the State and learned counsel for respondent No.2 alongwith respondent No.2 in person appear on advance notice and accept notice.
5. In brief, as per the case of the petitioners, marriage between petitioner No.1 and respondent No.2 was solemnized according to Hindu rites and ceremonies on 17.02.2010. A child was born out of the wedlock. Due to temperamental differences, respondent No.2 and petitioner No.1 started living separately since 29.06.2017. Subsequently, present FIR was registered on the complaint of respondent No.2, on 22.04.2018.
6. However, the disputes are stated to have been amicably settled between the parties *vide* Settlement Deed dated 24.12.2022. The marriage between petitioner No.1 and respondent No.2 has been dissolved by decree of divorce by way of mutual consent under Section 13B(2) of the Hindu Marriage Act,1955 *vide* judgment dated 09.08.2023.
7. Total settlement amount of Rs.21,00,000/- was to be paid by the petitioners to respondent No.2 in three instalments. The amount of Rs.10,75,000/- has already been paid and the balance amount of Rs. 10,25,000/- has been paid to respondent No.2 today through Cheque No.320322 amounting to Rs.5,25,000/- and Cheque No. 320321 amounting to Rs.5,00,000/-, both dated 03.04.2024 drawn on State Bank of India, Old Secretariat Alipore Road, Delhi, in favour of respondent No.2. Further, the house keys are handed over by respondent No.2 to the petitioner in the Court today in terms of the settlement.
8. Learned APP for the State submits that in view of amicable settlement between the parties, the State has no objection in case the FIR in question is quashed.



9. Petitioners and respondent No.2 are present in person and have been identified by SI Ajit Krishna, PS: Gokulpuri, Delhi. I have interacted with the parties and they confirm that the matter has been amicably settled between them without any threat, pressure or coercion. Respondent No. 2 also states that nothing remains to be further adjudicated upon between the parties and she has no objection in case the FIR in question is quashed.

10. Considering the facts and circumstances, since the matter has been amicably settled between the parties, no useful purpose shall be served by keeping the case pending. It would be nothing but an abuse of the process of Court. Consequently, FIR No. 0188/2018 dated 22.04.2018 under Sections 498A/406/34 IPC and Sections 3/4 Dowry Prohibition Act, 1961 registered at P.S.: Gokul Puri, Delhi and proceedings emanating therefrom stand quashed.

11. It is made clear that in view of the dictum of the Hon'ble Supreme Court in the case of *Ganesh v. Sudhirkumar Shrivastava and Others*¹, the terms of settlement between petitioner No.1 and respondent No.2 will not come in the way of their child enforcing her rights against the parties, if and when he chooses to do so.

12. Petition is accordingly disposed of. Pending applications, if any, also stand disposed of.

PURUSHAINDRA KUMAR KAURAV, J.

APRIL 25, 2024/p

[Click here to check corrigendum, if any](#)

¹ (2020) 20 SCC 787