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

+ **W.P.(CRL) 1258/2024**

J. LALITH KUMAR & ORS.

..... Petitioners

Through: Mr. Rishabh and Ms. Jyoti,
Advocates alongwith petitioners in
person

versus

STATE NCT OF DELHI AND ANR.

..... Respondents

Through: Mr. Anand V. Khatri, ASC for the
State with SI Shulenangi, P.S.
Barakhamba Road.
Mr. Saif Quraishi, Advocate for R-2
alongwith R-2 in person

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

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25.04.2024

CRL.M.A. 12219/2024 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

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3. The instant petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C. ') has been filed on behalf of petitioners seeking quashing of FIR bearing no. 104/2022, registered at Police Station Barakhamba Road, New Delhi for the offences punishable under Sections 498A/406/377/34 of the Indian Penal



Code, 1860 ('IPC') and all consequential proceedings emanating therefrom.

4. Issue notice. Mr. Anand V. Khatri, learned ASC accepts notice on behalf of the State.

5. Petitioners are present before this Court and have been identified by their counsel Mr. Rishabh and Investigating Officer (IO) SI Shulenangi from Police Station Barakhamba Road, New Delhi.

6. Brief facts of the present case are that the marriage between petitioner no. 1 and respondent no. 2 was solemnized on 30.04.2015 as per Hindu Rites and Ceremonies. No child was born out of the said wedlock. It is stated that due to temperamental differences which had arisen between the parties, both the parties started living separately from each other since 03.12.2016. On the complaint of respondent no. 2 before CAW Cell, the present FIR bearing no. 104/2022 was registered at Police Station Barakhamba Road, Delhi against the petitioners for offence punishable under Sections 498A/406/377/34 of IPC. It is stated that during the pendency of the case, both the parties have amicably settled all their disputes before Mediation Centre, Patiala House Court, New Delhi *vide* Settlement dated 22.12.2023 and first motion of divorce under Section 13B(1) of HMA had been passed on 07.02.2024.

7. On a query made by this Court, respondent no.2 who has been identified by the IO, has categorically stated that she has entered into compromise out of her own free will and without any pressure, coercion or threat. It is also stated by respondent no.2 that the entire dispute has been amicably settled between the parties *vide* Settlement Deed dated 08.05.2023.

8. The complainant/respondent no. 2 is present in person, who states that though the second motion of divorce is yet to take place, however, as per the



mediation agreement, the quashing of the present FIR is to take place before the Second motion of divorce and remaining payment is also to be made only at the time of recording of second motion of divorce and nothing is to be paid at the time of quashing of the FIR. It is stated that no child is born from this marriage and respondent no. 2 states that she has no objection, if the FIR is quashed.

9. In view of the above fact that the parties have amicably resolved their differences of their own free will, and without any coercion, no useful purpose will be served by continuing the proceedings, rather the same would create further acrimony between them. It would thus be in interest of justice to quash the abovementioned FIR and the proceedings pursuant thereto. There is no legal impediment in quashing the FIR in question.

10. Accordingly, FIR bearing no. 104/2022, registered at Police Station Barakhamba Road, New Delhi for the offences punishable under Sections 498A/406/377/34 of IPC and all consequential proceedings emanating therefrom are quashed.

11. In view of above, the petition stands disposed of.

12. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

APRIL 25, 2024/ns

Click here to check corrigendum, if any