



\$~46

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL. M.C. 3092/2024**

RAHUL & ORS.

..... Petitioners

Through: Mr.Sanjeev Kumar Awana, Advocate
alongwith petitioners in person.

versus

STATE GOVT. OF NCT OF DELHI & ANR. Respondents

Through: Ms.Kiran Bairwa, APP with SI
Pradeep Kumar, P.S. Aman Vihar.
Mr.Saurabh Pandey, Mr.Manoj
Sharma, Ms.Shivangi, Mr.Ashok
Kr.Sharma and Ms.Puvsheen Kaur,
Advocates alongwith respondent No.2
in person.

CORAM:

HON'BLE MR.JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

% **24.04.2024**

CRL.M.A. 11962/2024

Exemption allowed, subject to just exceptions.

Application stands disposed of.

CRL.M.C. 3092/2024 & CRL.M.A. 11961/2024

1. 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. 375/2019 dated 06.08.2019 under Sections 498A/406/34 of Indian Penal Code, 1860 ('IPC') registered at P.S.: Aman Vihar and proceedings emanating therefrom.
2. 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.



3. 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 23.04.2017. A girl child was born out of the wedlock who is presently in the custody of respondent No.2. Due to temperamental differences, respondent No.2 and petitioner No.1 started living separately since August, 2017. Subsequently, present FIR was registered on the complaint of respondent No. 2, on 06.08.2019.

4. However, the disputes are stated to have been amicably settled between the parties *vide* Settlement Deed dated 27.10.2023. 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 17.02.2024.

5. It is seen that total settlement amount of Rs.6,00,000/- was to be paid by the petitioners to respondent No.2 in three instalments, out of which, first two instalments stand paid and the third instalment of Rs.2,00,000/- has been paid to respondent No.2 today. Out of the amount of Rs.2,00,000/- paid today, Rs.1,00,000/- is in the name of respondent No.2 and an FDR amounting to the sum of Rs.1,00,000/- is in the name of minor girl child through DD Nos. 258026 & 228027 dated 22.03.2024 drawn on Indian Bank, Main Rohtak Road, Nangloi Branch, respectively.

6. 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.

7. Petitioners and respondent No. 2 are present in person and have been identified by SI Pradeep Kumar, P.S.: Aman Vihar. 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.

8. 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. 375/2019 dated 06.08.2019 under Sections 498A/406/34 IPC registered at P.S.: Aman Vihar and the proceedings emanating therefrom stand quashed.

9. 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 she chooses to do so.

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

PURUSHAINDRA KUMAR KAURAV, J.

APRIL 24, 2024/v

¹ (2020) 20 SCC 787