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

+ **CRL.M.C. 3100/2024 & CRL.M.A. 12008/2024**

RINKU AND ORS

..... Petitioners

Through: Mr. Manish Sharma, Mr. Monu Kumar, Mr. Dev Suman Mohanpuria, Mr. Sanjay Rana, Ms. Nidhi Sudan, Mr. Phillip Massey and Mr. Himanshu Dimri, Advocates

Versus

STATE OF GNCT OF DELHI AND ANR

..... Respondents

Through: Ms. Kiran Bairwa, APP for State with SI Satish Kumar. P.S. Shahbad Dairy, Delhi.
Ms. Yashaswai Bhatnagar, Advocate alongwith Respondent No.2 in person.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER
24.04.2024

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1. By way of the present petition, the petitioners seek quashing of FIR No.859/2021 under Sections 498A/406/34 of the Indian Penal Code, 1860 registered at Police Station Shahbad Dairy, Delhi and the proceedings emanating therefrom.
2. Learned APP for the State, on instructions, points out that *Anuradha*, who has been arrayed as petitioner No.5 is not accused in the instant case. She, however, submits that one *Sachin*, who happens to be the brother of



petitioner No.1, is the accused who has not been arrayed as petitioner.

3. Learned counsel appearing on behalf of the petitioners, therefore, submits that on account of inadvertence, the aforesaid discrepancy has occurred. He seeks permission to file the amended memo of parties arraying *Sachin* as petitioner No.5, deleting the name of *Anuradha* as petitioner No.5.

4. Let the amended memo of parties be filed during the course of the day.

5. Learned counsel appearing on behalf of the petitioners further submits that *Munni Devi*, who is the mother of petitioner No.1 is an old lady aged about 65 years and has undergone eye surgery. It is stated that on account of her illness, she could not appear before the Court. He, therefore, prays that the personal appearance of petitioner No.3 be exempted. Ordered accordingly.

6. The matter is taken up for consideration with respect to main prayer.

7. The petitioners (except petitioner No.3) and respondent No.2 are present in the Court and they have been identified by their respective counsel as well as by the Investigating Officer.

8. A perusal of the facts would show that the marriage of petitioner No.1 with respondent No.2 was solemnized according to Hindu rites and rituals on 22.02.2016 and out of their wedlock a baby girl, *Deepti* was born on 08.06.2018. However, on account of certain temperamental issues and differences, they started living separately since 24.05.2018. On 18.12.2021, the FIR in question was lodged by respondent No.2 against the petitioners and during the pendency of the proceedings, petitioner No.1 realised that it would not be possible for them to continue their matrimonial relations. They, therefore, decided to part their ways.



9. Learned counsel appearing on behalf of the parties submit that with the intervention of the family members and well wishers, the parties have entered into a settlement *vide* Settlement Deed dated 07.03.2023 (*Annexure P-2*) before Delhi Mediation Centre, Rohini District Courts, Delhi. In terms of the settlement, it was agreed that a sum of Rs.5,00,000/- as full and final settlement shall be paid by petitioner No.1 to respondent No.2 towards her claims *qua* maintenance, *stridhan*, alimony, etc. A sum of Rs.3,50,000/- has already been paid to respondent No.2 and a balance amount of Rs.1,50,000/- is paid today in the Court by way of demand draft bearing No. 502900 dated 30.01.2024 to respondent No.2.

10. Respondent No.2, who is present in the Court acknowledges the receipt of the aforesaid amount. She submits that she has entered into the aforesaid settlement with her own free will, volition and without any coercion. She further states that she has no objection if the present FIR and consequent proceedings are quashed, as she is left with no claim against the petitioners.

11. Today, both the parties undertake that the settlement arrived at between them is only *qua* respondent No.2 and shall in no way obstruct the rights of their minor daughter namely *Deepti* and the same shall not affect the rights of the child as available to her in accordance with law.

12. The statement and undertaking given on behalf of the parties is taken on record and they are held bound by the same.

13. Taking into consideration the overall facts and circumstances of the case and the fact that the parties have arrived at an amicable settlement voluntarily, without any force, therefore, under such circumstances and in view of the law laid down by the Hon'ble Supreme Court in the matters of



B.S. Joshi & Ors v. State of Haryana & Anr.¹, Gian Singh v. State of Punjab² and Jitendra Raghuvanshi & Ors. v. Babita Raghuvanshi & Anr.³, there is no reason as to why genuine settlement between the parties of a matrimonial dispute shall not be encouraged.

14. Hence, the FIR No.859/2021 under Sections 498A/406/34 of the IPC registered at Police Station Shahbad Dairy, Delhi and the proceedings emanating therefrom are hereby quashed, subject to encashment of the aforesaid demand draft.

15. The petition is accordingly disposed of alongwith pending application.

PURUSHAINDRA KUMAR KAURAV, J.

APRIL 24, 2024

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¹ (2003) 4 SCC 675

² (2012) 10 SCC 303

³ (2013) 4 SCC 58