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

\+ W.P.(CRL) 1238/2024

KAMAL KUMAR AND ORS. ..... Petitioners

Through: Mr Ajay Singh Tomar and Mr Suraj Kumar Rai, Advocates along with petitioners in person.

versus

STATE (NCT OF DELHI) & ANR. ..... Respondents

Through: Mr Sanjay Lao, Standing Counsel for the State with Mr Abhinav Kumar Arya and Mr Shivesh Kaushik, Advocates with SI Pradeep Vikram, PS Sadar Bazar.
Mr Pradeep Chaudhary, Advocate for R-2 along with R-2 in person.

CORAM:
HON'BLE MR. JUSTICE VIKAS MAHAJAN

<u>O R D E R</u>

% **24.04.2024**

<u>CRL.M.A. 12097/2024</u>

1. Allowed, subject to all just exceptions.

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2. The present petition has been filed under Section 482 CrPC seeking quashing of FIR No.0031/2022 under Sections 498A/406/34 IPC registered at Police Station Sadar Bazar and all consequential proceedings emanating therefrom on the ground that the parties have arrived at a settlement.

3. Issue notice. The learned APP for the State accepts notice. He submits that since the FIR is an outcome of a matrimonial dispute and the parties

have arrived at a settlement, the State has no objection in case the FIR in question is quashed.

4. The petitioner no.1 (former husband) and petitioner nos.2 to 9, who are close relatives of the petitioner no.1, as well as, respondent no. 2 (former wife) are present in the Court and they have been identified by their respective counsel and by the Investigating Officer SI Pradeep Vikram, PS Sadar Bazar.

5. The brief facts of the case are that the marriage between the petitioner no.1 and respondent no. 2 was solemnized on 09.02.2019 according to Hindu Rites and Customs. No child was born out of the said wedlock.

6. On account of temperamental issues certain disputes arose between the parties and they started living separately w.e.f. 01.03.2021. The dispute between the parties also led to the registration of present FIR.

7. During the pendency of the proceedings, the parties were referred to the Delhi Mediation Centre, Tis Hazari Courts, Delhi, where they arrived at a settlement, terms whereof were reduced in writing in the form of Settlement dated 13.09.2022, which is annexed as Annexure P-3 to the present petition.

8. In terms of the said settlement, the parties decided to dissolve their marriage by filing a petition for divorce by way of mutual consent. Accordingly, the petitioner no.1 and respondent no.2 have obtained a decree of divorce dated 23.01.2023, which is annexed as Annexure P-2 to the present petition.

9. It is a term of the settlement between the parties that the petitioner no.1 shall pay a total sum of Rs.4 lakhs to the respondent no.2 towards full and final settlement of all her claims on account of *streedhan*, permanent

alimony, dowry articles, maintenance (past, present and future) etc. Out of the said amount, a sum of Rs.3 lakhs has already been paid by the petitioner no.1 to the respondent no.2 in the manner as mentioned in the settlement. The remaining amount of Rs. 1 lakh has been paid to the respondent no.2 today in the court by the petitioner no.1 by way of Demand Draft bearing No.684208 dated 23.04.2024 issued by Bank of Baroda, Ashok Vihar, Delhi.

10. The receipt of entire amount of Rs.4 lakhs is acknowledged by the respondent no.2, who is present in court.

11. The respondent no.2, on a query put by the Court, states that she has no objection in case the FIR is quashed.

12. In view of the fact that the parties have arrived at a settlement, no useful purpose will be served in continuing the proceedings, rather the same would create further acrimony between them.

13. It is, thus, in the interest of justice that the present FIR and all the other proceedings emanating therefrom be quashed.

14. Consequently, the petition is allowed and the FIR No.0031/2022 under Sections 498A/406/34 IPC registered at Police Station Sadar Bazar alongwith all other proceedings emanating therefrom, is quashed.

15. The petition stands disposed of in the above terms.

16. Order be uploaded on the website of this court.

VIKAS MAHAJAN, J

APRIL 24, 2024
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