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

+ **W.P.(CRL) 1397/2024 & CRL.M.A. 13653/2024**

GAURAV JAIN AND ORS

..... Petitioners

Through: Mr. Jai Ram Garg, Mr. Sandeep Singh Nainwal, Advocates with petitioners in person.

versus

THE STATE NCT OF DELHI AND ANR Respondents

Through: Mr. Yasir Rauf Ansari, ASC (Crl.) with Mr. Alok Sharma and Mr. Vasu Agarwal, Advocates with Inspector Naveen PS Alipur and ASI Sunita, PS S.P. Badli, Delhi.

Mr. Jai Shauar, Ms. Shahana Parveen, Ms. Nandita Rao and Mr. Manoj Makhija, Advocates for respondent No.2 with respondent No.2 in person.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

06.05.2024

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1. The present petition has been filed under Section 482 Cr.P.C. on behalf of the petitioners seeking quashing of FIR No. 0712/2022 registered under Sections 498-A/406/34 IPC at P.S. S.P. Badli, Delhi on the ground that the parties have amicably settled their disputes.
2. The present FIR is an outcome of a matrimonial dispute between the complainant/respondent No. 2 (wife) and petitioner No. 1 (husband) and petitioner Nos. 2 and 3 are parents-in-law of the complainant.
3. Mr. Yasir Rauf Ansari, ASC (Crl.) submits that in the present case petitioners are the only accused persons and respondent No. 2 is the complainant/victim. He further submits that the charge-sheet has been filed.



4. Learned counsel for the petitioners submits that the parties have settled their disputes vide MoU dated 13.10.2023. In terms of the settlement, the parties have already been granted divorce by mutual consent vide divorce decree dated 11.03.2024 passed by the Family Court, North West District, Rohini Court in HMA No. 366/2024. It is stated that all payments have been made in terms of the settlement by petitioner No. 1 to respondent No. 2 towards her claims qua maintenance, stridhan, alimony, etc. Petitioner No.1 who is present in person in the Court states that though in paragraph 11 of the aforesaid MoU it is stated that no claim would be made on behalf of the minor child. However, today he states that the rights of the minor child shall remain unaffected by the terms of the settlement in view of the decision of the Supreme Court in Ganesh v. Sudhirkumar Shrivastava and Others reported in 2019 SCC OnLine SC 1107. The said statement is accepted and taken on record and in acknowledgement of the same, petitioner No.1 and his counsel have signed the order sheet.
5. Petitioners and respondent No.2, who are present in Court, have been identified by their counsel as well as by I.O./ Inspector Naveen PS Alipur and ASI Sunita, PS S.P. Badli, Delhi.
6. Respondent No. 2 states that she has settled her disputes with petitioner No.1 of her own free will, volition and without any coercion. She also acknowledges the receipt of entire settled amount and submits that she has no objection in case the FIR is quashed against the petitioners.
7. Learned counsel for the petitioners submits that no other proceedings are pending between the parties.
8. The parties shall remain bound by the statements and undertaking made in Court today.



9. In view of the above facts and since no useful purpose will be served in continuance of the present criminal proceedings, it is directed that the aforesaid FIR and the consequent proceedings arising therefrom are hereby quashed.

10. With the above directions, the petition is disposed of alongwith miscellaneous applications.

MANOJ KUMAR OHRI, J

MAY 6, 2024/rd