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

+ **CRL.M.C. 3641/2024**

HEMANT KUMAR AND ANR

..... Petitioners

Through: Mr Abhishek Tyagi, Advocate along
with petitioners in person.

versus

STATE OF DELHI AND ORS

..... Respondents

Through: Mr Hitesh Vali, APP for the State
with SI Kulbir Singh, PS Hari Nagar.
Mr Shakir Husain and Mr Shobhit
Sabharwal, Advocates for respondent
no.2 along with respondent no.2.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

07.05.2024

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CRL.M.A. 13961/2024

1. Allowed, subject to all just exceptions.

CRL.M.C. 3641/2024

2. The present petition has been filed under Section 482 CrPC seeking quashing of FIR No.0293/2017 under Sections 498A/406/34 IPC registered at Police Station Hari Nagar, District-West, Delhi 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 no.2, who is the mother 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 Kulbir Singh, PS Hari Nagar.

5. The brief facts of the case are that the marriage between the petitioner no.1 and respondent no. 2 was solemnized on 29.04.2007 according to Hindu Rites and Customs. Out of the said wedlock, two daughters, namely, Navika and Nakshatra, were born.

6. On account of temperamental issues certain disputes arose between the parties and they started living separately w.e.f. 13.03.2017. 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 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 09.12.2022, 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 26.10.2023, which is annexed as Annexure P-5 (Colly.) 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.4,50,000/- 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.3,00,000/- 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.1,50,000/- has been paid to the respondent no.2 today in the court by the petitioner no.1 by way of Demand Draft bearing No.225283 dated 26.04.2024 issued by Union Bank, Rohini, Sector-3.

10. The receipt of entire amount of Rs.4,50,000/- 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.0293/2017 under Sections 498A/406/34 IPC registered at Police Station Hari Nagar, District-West, Delhi 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

MAY 7, 2024
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