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

+ **CRL.M.C. 3654/2024**

MANOHAR KUMAR BALIVADA

.....Petitioner

Through: Mr. Rahul Kripalani, Ms. Supraja,
Ms. Rea Balla, Ms. Surbhi and Mr.
Ankit Goel, Advocates

versus

STATE NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Sanjeev Sabharwal, APP for the
State with SI Sanjogita PS Nanakpura

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

% **30.08.2024**

1. The Petition under Section 482 of the Code of Criminal Procedure, 1973 (*hereinafter referred to as 'Cr.P.C., 1973'*) has been filed on behalf of the petitioner, seeking to quash the FIR No. 34/2023 for the offence under Section 498/406/34 of the Indian Penal Code, 1860 (*hereinafter referred to as 'IPC, 1860'*) registered at Police Station Nanakpura.
2. Issue notice.
3. Learned Additional Public Prosecutor accepts notice on behalf of the State.
4. Brief facts of the case are that the first motion of the Divorce has already been allowed vide Order dated 08.05.2024 and the second motion shall be done after the quashing of the FIR. It is also stated that one male child was born out of the said wedlock. The parties seek quashing on the basis of the Memorandum of Understanding dated 29.12.2023 and the rights of the child have been duly protected in the Settlement.
5. The parties are present before this Court through VC today, and have



been identified by their counsel and Investigating Officer concerned. . The parties have endorsed the amicable settlement and accepted the terms thereof voluntarily.

6. The parties have submitted that all the disputes have been amicably settled *vide* Memorandum of Understanding dated 29.12.2023 and thus, no fruitful purpose will be served in continuing with the FIR.

7. Today, the respondent No. 2/wife, who is present in Court, states that she has received all amounts due to her, as stated in the MOU dated 29.12.2023 and has no objection if the FIR is quashed.

8. In view of the above facts that the parties have amicably resolved their differences out of their own free will and without any coercion and also the fact that the present matter is a family matter, no useful purpose will be served in continuing with the proceedings, rather the same would create further acrimony between them. Hence, it would be in the interest of justice to quash the abovementioned FIR and the proceedings pursuant thereto.

9. Moreover, there is no legal impediment in quashing the FIR in question. Accordingly, the FIR No. 34/2023 for the offence under Section 498/406/34 of the Indian Penal Code, 1860 (*hereinafter referred to as 'IPC, 1860'*) registered at Police Station Nanakpura and all consequential proceedings emanating therefrom are quashed without prejudice to the rights of the child in accordance with law.

10. The Petition stands disposed of.

NEENA BANSAL KRISHNA, J

AUGUST 30, 2024/PT