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

+ **CRL.M.C. 3791/2024**

HARISH GOYAL & ORS.

.....Petitioners

Through: Mr. Nadeem Qureshi, Ms. Renu Choudhary, Ms. Puvali Singh and Mr. Sikander Qureshi, Advocates.

versus

STATE NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Hemant Mehla, APP for the State with SI Dharmendra Sharma, PS Rajinder Nagar.
Ms. Bhavna Sharma, Advocate for complainant.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

23.09.2024

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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. 125/2015 for the offence under Section 498-A/406/34 of the Indian Penal Code, 1860 (*hereinafter referred to as 'IPC, 1860'*) registered at Police Station Rajinder Nagar, Delhi and all the proceedings emanating therefrom.
2. Issue notice.
3. Mr. Hemant Mehla, learned Additional Public Prosecutor appearing on advance notice, accepts notice on behalf of the State.
4. Brief facts of the case are that the marriage was solemnized between



petitioner and respondent No. 2 on 14.07.2013, according to the Hindu rites and ceremonies and no child was born out of the said wedlock.

5. It is further submitted that on the complaint of the respondent No. 2, an FIR bearing No. 125/2015 for the offence under Section 498-A/406/34 of the IPC Act, has been registered at Police Station Rajinder Nagar, Delhi.

6. It is stated that the petitioner and the respondent No. 2 have amicably settled all the disputes and differences between them and arrived at Mediation Settlement Deed dated 19.09.2022, before Mediation Centre, Tis Hazari Courts, Delhi wherein it was *inter alia* settled between the parties that the petitioner/husband shall pay a sum of Rs. 18,00,000/- towards full and final settlement of all the disputes including the Istridhan, claim towards past, present and future maintenance, permanent alimony, including HAMA and other receivable of the respondent No. 2/wife. It is further submitted that the divorce petition on the ground of Mutual Consent i.e. First Motion shall be filed by the parties. The petitioner shall pay a sum of Rs.6,00,000/- to the respondent No. 2 at the time of recording their statements of first motion of the divorce proceedings by way of mutual consent, in the family court. It is also agreed that the second motion petition for divorce on the ground of mutual consent shall be filed by the parties within three months after the passing of the order in the first motion petition as the parties are living separately since 2014 and at the time of recording their statements of second motion of the divorce proceedings, the petitioner shall pay a sum of Rs.6,00,000/- to the respondent No. 2, in the family court. The third instalment of Rs.3,00,000/- shall be paid by the petitioner to the respondent No. 2 at the time of recording of statements of both the parties at the time of quashing the aforesaid FIR., which shall be filed within one month after



recording of the statement in second motion petition. It is further submitted that the fourth instalment of Rs.3,00,000/- shall be paid by the petitioner to the respondent No. 2 at the time of statements of both the parties at the time of quashing of the aforesaid FIR. It is also settled between the parties that the respondent No. 2 shall withdraw the present case as well as the connected cases related to maintenance and divorce and the petitioner shall withdraw his complaint pending before the trial court.

7. It is stated that the petitioner has already paid Rs.15,00,000/-to the respondent No. 2. A cheque for a sum Rs. 3,00,000/-, i.e the balance amount, has been handed over to the respondent No. 2/wife by the petitioner on 19.09.2024 *vide* Demand Draft No. 500721, made in favour of Ms. Shivali Sharma, the respondent No. 2, drawn on IndusInd Bank, Vivek Vihar Branch, Delhi and the same has been accepted by the respondent No. 2/wife.

8. It is also stated that on 16.02.2023, the marriage between petitioner and respondent No. 2, had been dissolved as per the Hindu law.

9. In view of the Mediation Settlement Deed dated 19.09.2022, the present Petition has been filed.

10. The parties are present before this Court in-person 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.

11. The parties have submitted that all the disputes have been amicably settled *vide* Mediation Settlement Deed dated 19.09.2022 and thus, no fruitful purpose will be served in continuing with the FIR.

12. The present petition has been signed by the petitioner and is supported



by his affidavit. The parties have reaffirmed the terms of the settlement arrived at *vide* Mediation Settlement Deed dated 19.09.2022 and they also submit that the said Mediation Settlement Deed dated 19.09.2022 has been arrived at between the parties, without any pressure and coercion.

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

14. 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.

15. Moreover, there is no legal impediment in quashing the FIR in question.

16. Accordingly, FIR No. 125/2015 for the offence under Section 498-A/406/34 of the IPC, registered at Police Station Rajinder Nagar, Delhi and all consequential proceedings emanating therefrom are quashed.

17. The Petition stands disposed of.

NEENA BANSAL KRISHNA, J

SEPTEMBER 23, 2024/RS