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

+ **W.P.(CRL) 2046/2023 & CRL.M.A. 18918/2023**

GURPREET SINGH & ANR.

.....Petitioners

Through: Ms. Vijay Lakshmi Gautam, Mr. Akash Arora, Ms. Anjali Lodhi & Mr. Sourabh Bhardwaj, Advocates with P-1 in person and P-2 appearing through VC.

versus

STATE (GOVT. OF NCT DELHI) & ANR.

.....Respondents

Through: Mr. Sanjay Lao, Standing Counsel, Crl. for State.
S.I. Mohit Singh, PS Moti Nagar, Delhi.
Respondent No. 2 appearing through VC.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

09.07.2024

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1. The present Petition under Article 226 of the Constitution of India has been filed on behalf of the petitioners seeking to quash the FIR No. 397/2013 registered under Sections 498A/406 of the Indian Penal Code, 1860 (*hereinafter referred to as "IPC, 1860"*) at Police Station Moti Nagar, Delhi.
2. Issue notice.
3. Mr. Sanjay Lao, learned Standing Counsel, accepts notice on behalf of the State.
4. Brief facts of the case are that the marriage was solemnized between



petitioner No. 1 and respondent No. 2 on 29.11.2011 according to Sikh rites and ceremonies and one girl child is born from the said wedlock.

5. It is further submitted that on 21.10.2013 on the complaint of respondent No. 2, an FIR bearing No. 397/2013 under Sections 498A/406 of the IPC, 1860 got registered at Police Station Moti Nagar, Delhi.

6. It is submitted that the parties have amicably settled all the disputes and differences between them *vide* Memorandum of Understanding dated 01.08.2022 which *inter alia* states that: -

- (i) That the respondent No. 2/wife and the petitioner No. 1/husband shall dissolve their marriage by decree of mutual consent,
- (ii) The girl child shall remain in the custody of respondent No. 2 and the petitioner No. 1 shall never claim custody of the child in future,
- (iii) A total sum of Rs. 7,00,000/- shall be paid to the respondent No. 2 by the petitioner No. 1 towards her full and final amount of all the claims,
- (iii) That Rs. 5,50,000/- shall be paid to the respondent No. 2 by the petitioner No. 1 at the time of recording of statement of First Motion Petition,
- (iv) That the remaining Rs. 1,50,000/- shall be paid at the time of recording of statement of Second Motion Petition,
- (v) That the amount saved by the petitioner No. 1 in Sukanya Account No. 4030191967 of the girl child shall be handed over to the respondent No. 2/wife which is Rs. 1,87,978/-
- (vi) That all the pending cases against the petitioners shall be withdrawn by the respondent No. 2.



7. It is further stated that Rs. 7,00,000/- has already been paid by the petitioner No. 1 to the respondent No. 2 towards full and final claim of her viz., Rs. 5,50,000/- *vide* Demand Draft bearing No. 004031 and Rs. 1,50,000/- by way of Demand Draft.

8. It is also stated that on 23.08.2023, the marriage between petitioner No. 1 and respondent No. 2 had been dissolved as per Hindu law.

9. In view of the Memorandum of Understanding dated 01.08.2022, the present petition has been filed.

10. The petitioner No. 1 is present in person in Court, where as the petitioner No. 2 and the respondent No. 2 are appearing through video conferencing today, and have been identified by their counsel and Investigating Officer concerned.

11. It is submitted on behalf of the petitioners that Rs. 7,00,000/- towards full and final settlement has already been paid by the petitioner No. 1 to the respondent No. 2/wife and the same has been acknowledged by the respondent No. 2/wife.

12. The parties have submitted that all the disputes have been amicably settled *vide* Memorandum of Understanding dated 01.08.2022 and thus, no fruitful purpose will be served in continuing with the FIR.

13. The present petition has been signed by all the petitioners and is supported by their respective affidavits. The parties have reaffirmed the terms of the settlement and they also submit that the said settlement has been arrived at between the parties without any pressure and coercion.

14. Today, the complainant/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.



15. 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.

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

17. Accordingly, FIR bearing No. 397/2013 registered at Police Station Moti Nagar, Delhi, for offences punishable under Sections 498A/406 of IPC, 1860 and all consequential proceedings emanating therefrom are quashed.

18. The petition along with pending application stands disposed of.

NEENA BANSAL KRISHNA, J

JULY 9, 2024

S.Sharma