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

+ **CRL.M.C. 3891/2024**

JITIN GUPTA & ORS.

..... Petitioners

Through: Ms. Ruhi Saksena, Advocate
alongwith petitioner nos. 1 to 3 in
person

versus

STATE NCT OF DLEHI AND ANR.

..... Respondents

Through: Mr. Satish Kumar, APP for the State
with Mohd. Hamza Jilani, Mr.
Hashim Khan, Mr. Ashok Kumar
Shukla, Advocates, SI Lal Chand,
P.S. Mohan Garden and SI Mamta,
P.S. Dabri
Ms. Rajni Gupta, Advocate for R-2
alongwith R-2 in person

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

15.05.2024

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1. The instant petition under Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been filed on behalf of petitioners seeking quashing of FIR bearing no. 179/2021, registered at Police Station Dabri, New Delhi for the offences punishable under Sections 498A/406/34 of the Indian Penal Code, 1860 ('IPC') and all consequential proceedings emanating therefrom.
2. Issue notice. Mr. Satish Kumar, learned APP accepts notice on behalf of State.



3. It is stated that petitioner no. 4 has unfortunately passed away.
4. Petitioner nos. 1 to 3 are present before this Court and have been identified by their counsel Ms. Ruhi Saxena and Investigating Officer (IO) SI Lal Chand from Police Station Mohan Garden, Delhi.
5. Brief facts of the present case are that the marriage between petitioner no. 1 and respondent no. 2 was solemnized on 28.11.2011 as per Hindu rites and Ceremonies at Delhi. It is stated that twins namely Ms. Jeevisha Gupta and Master Kavish were born out of said wedlock on 17.11.2014. It is stated that due to temperamental differences, both the parties started living separately from each other since 17.08.2020. On the complaint of respondent no. 2, the present FIR bearing no. 179/2021 was registered at Police Station Dabri, Delhi against the petitioners for offence punishable under Sections 498A/406/34 of IPC. It is stated that during the pendency of the case, both the parties have amicably settled all their disputes before Mediation Centre, Dwarka Courts, New Delhi *vide* Settlement Agreement dated 15.04.2023 and dissolved their marriage by way of mutual consent.
6. On a query made by this Court, respondent no.2 who has been identified by the IO, has categorically stated that she has entered into compromise out of her own free will and without any pressure, coercion or threat. It is also stated by respondent no.2 that the entire dispute has been amicably settled between the parties before Mediation Centre, Dwarka Court, New Delhi *vide* Settlement Agreement dated 15.04.2023 and affidavits showing the protection of interest of minor children as per the judgment titled as ***Ganesh vs. Sudhirkumar Shrivastava***, (2020) 20 SCC 787 passed by the Hon'ble Supreme Court have been filed and the same are on record.



7. It is submitted that respondent no.2 has settled all her claims in respect of her dowry articles, stridhan, marriage expenses, jewellery, gift items and claims of past, present and future maintenance and permanent alimony with petitioner no.1 and other family members.

8. As per the settlement agreement, the petitioner no. 1 had to pay a sum of Rs. 20,00,000/- in three installments in the following manner:

- a. First installment of Rs. 5,00,000/- paid to respondent no. 2 at the time of recording statements in the first motion petition u/s 13B(1) of HMA.
- b. Second installment of Rs. 5,00,000/- paid to respondent no. 2 time of recording statements in the second motion petition u/s 13B(2) of HMA.
- c. Third /Final instalment of Rs. 10,00,000/- to be paid at the time of quashing of the FIR before the Hon'ble High Court at New Delhi.

9. Today, the complainant who is present in Court states that she has received the last and final instalment of Rs. 10,00,000/- today, i.e., 15.05.2024 *vide* DD No. 841423 drawn on Canara Bank, Mahavir Enclave, New Delhi-110045 and has no objection, if the FIR is quashed.

10. In view of the above fact that the parties have amicably resolved their differences of their own free will, and without any coercion, no useful purpose will be served by continuing the proceedings, rather the same would create further acrimony between them. It would thus be in interest of justice to quash the abovementioned FIR and the proceedings pursuant thereto. There is no legal impediment in quashing the FIR in question.

11. Accordingly, FIR bearing no. 179/2021, registered at Police Station Dabri, New Delhi for the offences punishable under Sections 498A/406/34 of IPC and all consequential proceedings emanating therefrom are quashed.



12. In view of above, the petition stands disposed of.
13. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

MAY 15, 2024/ns

Click here to check corrigendum, if any