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

+ **W.P.(CRL) 1605/2024**

KUMAR GAURAV NAGI & ORS.

..... Petitioners

Through: Mr. Akash Swami, Mr. Akhilesh
Tejpal, Ms. Devika Mathur and Mr.
Sumit, Advs. with petitioners in
person.

versus

STATE OF NCT OF DELHI THROUGH SHO & ANR.

..... Respondents

Through: Mr. Sanjay Lao, SC for State with
ASI Sandeep PS Burari
Ms. Priya Gulliya, Adv. for R2 with
Respondent no. 2 in person.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

20.05.2024

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CRL.M.A. 15632/2024 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

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3. The present petition has been filed under Section 482 CrPC seeking quashing of FIR No.631/2022 under Sections 498A/406/34 IPC registered at Police Station Burari and all consequential proceedings emanating therefrom on the ground that the parties have arrived at a settlement.
4. Issue notice. The learned Standing Counsel 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.

5. The petitioner no.1 (husband), petitioner nos. 2 – 4, who are close relatives of petitioner no. 1, as well as, respondent no. 2 (wife) are present in the Court and they have been identified by their respective counsel and by the Investigating Officer ASI Sandeep PS Burari.

6. The brief facts of the case are that the marriage between the petitioner no.1 and respondent no. 2 was solemnized on 14.05.2021 according to Hindu Rites and Customs. Out of the said wedlock, no child was born.

7. On account of temperamental issues certain disputes arose between the parties and they started living separately w.e.f. 06.07.2021. The dispute between the parties also led to the registration of present FIR.

8. During the pendency of the proceedings, the parties arrived at a settlement, terms whereof were reduced in writing in the form of Settlement deed / memorandum of understanding dated 08.11.2023, which is annexed as Annexure 2 to the present petition.

9. 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 filed a first motion petition which was allowed vide order dated 22.12.2023, which is annexed as Annexure 3 to the present petition.

10. It is a term of the settlement between the parties that the petitioner no.1 shall pay a total sum of Rs.12,50,000/- 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.4,50,000/- 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. 4,00,000/- has been paid to the respondent no.2 today in the court by the petitioner no.1 by way of Demand Draft bearing No.633551 dated 09.04.2024 issued by Punjab National Bank, Trinagar, Delhi - 110035. The remaining amount of Rs. 4,00,000/- shall be paid by the petitioner no. 1 to the respondent no. 2 at the time of passing second motion petition.

11. The receipt of an amount of Rs.8,50,000/- is acknowledged by the respondent no.2, who is present in court.

12. The respondent no.2, on a query put by the Court, states that she has no objection in case the FIR is quashed.

13. 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.

14. It is, thus, in the interest of justice that the present FIR and all the other proceedings emanating therefrom be quashed.

15. Consequently, the petition is allowed and the FIR No.631/2022 under Sections 498A/406/34 IPC registered at Police Station Burari alongwith all other proceedings emanating therefrom, is quashed.

16. The petition stands disposed of in the above terms.

17. Order be uploaded on the website of this court.

VIKAS MAHAJAN, J

MAY 20, 2024/N.S. ASWAL