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

+ **W.P.(CRL) 1613/2024**

NEMI CHAND SHARMA AND OTHERS Petitioners

Through: **Mr. Bharat Bhushan, Advocate.**

versus

GOVT OF NCT OF DELHI AND ANR Respondents

Through: **Mr. Anand V. Khatri, ASC for the
State with W/SI Ritu, P.S.: Shalimar
Bagh.**

Mr. Pankaj Gupta, Advocate for R-2.

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

20.05.2024

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CRL.M.A. 15695/2024 (exemption)

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

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3. The present writ petition under Article 226 of the Constitution of India, read with Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been filed on behalf of the petitioners seeking quashing of the case arising out of FIR bearing no. 464/2020, registered at Police Station Shalimar Bagh, for offences punishable under Sections 498A/34 of the Indian Penal Code, 1860 ('IPC').
4. Issue notice. Learned ASC appearing on behalf of the State accepts notice.
5. All the petitioners are present before this Court in-person and have



been identified by their counsel and Investigating Officer concerned.

6. Brief facts of the case are that on 12.03.1986, the marriage between the petitioner no. 1 and respondent no. 2 was solemnized according to Hindu Rites and ceremony, in Delhi. It is stated that three sons were born out of the said wedlock. It is further stated that two sons are living with respondent no. 2 and one son is living with petitioner no. 1, since 2018. It is further submitted that on the complaint of respondent no. 2, an FIR got registered at Police Station Shalimar Bagh, against the petitioners. Thereafter, respondent no. 2 had filed a petition before the Family Court, Delhi, seeking maintenance from petitioner no. 1 and had also filed a complaint case under Section 12 of the Domestic Violence Act, against the present petitioners. It is further stated that on 01.11.2022, both the parties had entered into a settlement agreement in the presence of witnesses and had agreed to live separately. The present matter has been settled without any monetary considerations, as the parties have been married since the year 1986, and the children of the parties are major; and they have decided to peacefully part their ways, and wish to live separately without divorce. Hence, the present petition has been filed for quashing of the said FIR.

7. The parties are present before this Court, and the Court has interacted with them.

8. On a query made by this Court, respondent no. 2, who has been identified by her counsel and IO, has categorically stated that she has entered into compromise out of their 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 them.

9. 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.

10. Accordingly, FIR bearing No. 464/2020, registered at Police Station Shalimar Bagh, for offences punishable under Sections 498A/34 of the IPC and all consequential proceedings emanating *therefrom* are quashed.

11. The petition stands disposed of.

12. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

MAY 20, 2024/at

Click here to check corrigendum, if any