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

+ **W.P.(CRL) 1674/2024**

ABHISHEK GUPTA AND ORS.

..... Petitioners

Through: Mr. Aditya Rao and Mr. V.V.
Ramana Rao, Advocates alongwith
petitioner sin person

versus

STATE OF NCT AND ANR.

..... Respondents

Through: Mr. Anand V. Khatri, ASC for the
State
Mr. Shashank Goswami, Mr. Govil
Upadhyay and Mr. Prateek Goswami,
Advocates for R-2 alongwith R-2 in
person

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

% **24.05.2024**

CRL.M.A. 16305/2024 (exemption)

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

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3. The instant 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 petitioners seeking quashing of FIR bearing no. 275/2021, registered at Police Station Vasant Vihar, Delhi for the offences punishable under Sections 498A/406/354/354A/506/34 of the Indian Penal



Code, 1860 ('IPC') and all consequential proceedings emanating therefrom.

4. Issue notice. Mr. Anand V. Khatri, learned ASC accepts notice on behalf of State.

5. Petitioners are present before this Court and have been identified by their counsel Mr. Aditya Rao and Investigating Officer (IO) from Police Station Vasant Vihar, Delhi.

6. Brief facts of the present case are that the marriage between petitioner no. 1 and respondent no. 2 was solemnized on 02.03.2014 as per Hindu rites and customs. It is stated that two children, one son and one daughter were born out of said wedlock. It is stated that on the complaint filed by the complainant before CAW Cell, Delhi Cantt., the present FIR bearing no. 275/2021 was registered at Police Station Vasant Vihar, Delhi against the petitioners for offence punishable under Sections 498A/406/354/354A/506/34 of IPC. It is stated that during the pendency of the case, both the parties have amicably settled all their disputes *vide* Compromise/Settlement Deed dated 18.01.2023. It is further stated that an additional settlement agreement was also entered between the parties on 02.04.2024 regarding custody and guardianship of both the children. Thereafter, both the parties had dissolved their marriage by way of mutual consent before the learned Principal Judge, Family Court, Patiala House Courts, New Delhi on 30.04.2024.

7. 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 *vide* Compromise/Settlement Deed



dated 18.01.2023 and additional settlement agreement dated 02.04.2024. 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.

8. 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.

9. As per the settlement agreement, the petitioner no. 1 had to pay a sum of Rs. 2,00,00,000/- in the following manner:

- a. First installment of Rs. 25,00,000/- paid to respondent no. 2 at the time of execution of compromise deed.
- b. Second installment of Rs. 50,00,000/- paid to respondent no. 2 time of recording statements in the first motion petition u/s 13B(1) of HMA.
- c. Third installment of Rs. 50,00,000/- paid to respondent no. 2 at the time of recording statements in the second motion petition u/s 13B(2) of HMA
- d. Fourth /Final instalment of Rs. 75,00,000/- to be paid at the time of quashing of the FIR before the Hon'ble High Court at New Delhi.

10. Today, the complainant who is present in Court states that she has received the last and final instalment of Rs. 75,00,000/- today, i.e., 24.05.2024 vide DD No. 518275 drawn on ICICI Bank, Vasant Vihar, New Delhi and has no objection, if the FIR is quashed.

11. 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.

12. Accordingly, FIR bearing no. 275/2021, registered at Police Station Vasant Vihar, Delhi for the offences punishable under Sections 498A/406/354/354A/506/34 of IPC and all consequential proceedings emanating therefrom are quashed.

13. In view of above, the petition stands disposed of.

14. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

MAY 24, 2024/ns

Click here to check corrigendum, if any