



\$~61

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

+ **W.P.(CRL) 1698/2024**

SH DEV DUTT YADAV

..... Petitioner

Through: **Mr. J. V. Singh, Mr. Naveen Kumar
& Mr. S.V. Anand, Advocates.**

versus

THE STATE & ANR.

..... Respondent

Through: **Mr. Anand V. Khatri, ASC for the
State with SI Devdutt & SI Anil
Kumar, P.S.: Vijay Vihar, Delhi.**

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

27.05.2024

%

CRL.M.A. 16499/2024 (exemption)

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

W.P.(CRL) 1698/2024

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 petitioner seeking quashing of the case arising out of FIR bearing No. 0291/2022, registered at Police Station Vijay Vihar, Delhi, for offences punishable under Sections 498A/406/34 of the Indian Penal Code, 1860 ('IPC').
4. Issue notice. Mr. Anand V. Khatri, learned ASC accepts notice on behalf of the State.
5. Brief facts of the present case are that on 12.09.2019, the marriage



between petitioner no. 1 and respondent no. 2 got solemnized according to Hindu rites and ceremonies at Arya Samaj Mandir, Delhi. No child was born out of the said wedlock. It is stated that on 20.04.2020, on account of some temperamental differences between the petitioner no. 1 and respondent no. 2, they started living separately. On 09.04.2022, on the complaint of respondent no. 2, the said FIR got registered at the P.S.: Vijay Vihar, Delhi, against the petitioner. It is stated that due to intervention of elders and family, the matter got settled between the parties and the disputes were amicably settled *vide* Settlement dated 01.05.2023, wherein the petitioner no. 1 had agreed to pay a total sum of Rs. 1,50,000 (Rupees One Lakh Fifty Thousand Only) to respondent no. 2 as full and final settlement *qua* her maintenance. It is stated that on 19.05.2023, Rs. 75,000 was paid by petitioner no. 1 to respondent no. 2 at the time of recording of their statement in the First Motion Petition, under Section 13B (1) of the Hindu Marriage Act, 1955 ('HMA'), for divorce by way of mutual consent. It is stated that Rs. 75,000/- was also paid by the petitioner to respondent no. 2, at the time of recording their statement in the Second Motion Petition under Section 13B (2) of the HMA, and the divorce decree was granted by way of mutual consent before the learned Judge, Family Court, North West District, Rohini Courts, Delhi *vide* Order and Judgment dated 09.06.2023.

6. The parties are present before this Court in-person today, and have been identified by their counsel and Investigating Officer concerned.

7. On a query raised 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 them. Respondent no. 2 further stated that she has received all amount towards full and final settlement of all her claims including maintenance (past, present and future) permanent alimony and *stridhan* etc. and has no objection if the FIR is quashed.

8. 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.

9. Accordingly, FIR bearing No. 0291/2022, registered at Police Station Vijay Vihar, Delhi, for offences punishable under Sections 498A/406/34 of the IPC and all consequential proceedings emanating therefrom are quashed.

10. The petition stands disposed of.

11. The order be uploaded on the website forthwith.

MAY 27, 2024/at

SWARANA KANTA SHARMA, J

[Click here to check corrigendum, if any](#)