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

+ **W.P.(CRL) 2379/2023**

RAM SHANKAR AND ORS.

..... Petitioners

Through: Mr. Nitesh Kumar, Advocate

versus

STATE OF GNCT DELHI AND ORS.

..... Respondents

Through: Ms. Rupali Bandhopadhyia, ASC for
the State with Mr. Abhijeet Kumar,
Advocate and with IO, P.S. Sangam
Vihar.

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

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27.02.2024

CRL.M.A. 22363/2023 (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 petitioner seeking quashing of FIR bearing no. 280/2015, registered at Police Station Sangam Vihar, Delhi for the offence punishable under Sections 498A/406/506/34 of the Indian Penal Code, 1860 ('IPC') and all consequential proceedings emanating therefrom.
4. Issue notice. Ms. Rupali Bandhopadhyia, learned ASC accepts notice



on behalf of the State.

5. Petitioner nos. 1 to 4 are present before this Court and have been identified by their counsel Mr. Nitesh Kumar and Investigating Officer (IO) from Police Station Sangam Vihar, Delhi.

6. Petitioner no. 5 is not present in Court today due to some personal difficulty though the IO has identified the petitioner no. 5 through WhatsApp call.

7. Brief facts of the present case are that the marriage between petitioner no. 1 and respondent no. 2 was solemnized on 27.05.2010 according to Hindu rites and ceremonies. One female child was born out of the said wedlock. It is stated that due to certain differences which had arisen between the parties, both the parties started living separately from each other for the last about five years. On the complaint of respondent no. 2, the present FIR bearing no. 280/2015 was registered at Police Station Sangam Vihar, Delhi against the petitioners for the offences punishable under Sections 498A/406/506/34 of IPC. It is stated that during the pendency of the case, both the parties have amicably settled all their disputes before Mediation Centre, Saket Courts, New Delhi *vide* Settlement Deed dated 04.09.2017.

8. 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, Saket Courts, New Delhi *vide* Settlement Deed dated 04.09.2017 and affidavits showing the protection of interest of minor child 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.

9. 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.

10. The petitioner no. 1 had paid a sum of Rs. 4,20,000/- in three installments in the following manner:

- a. First installment of Rs. 1,50,000/- paid to respondent no. 2 in the first motion petition.
- b. Second installment of Rs. 1,50,000/- paid to respondent no. 2 at the time of second motion petition.
- c. Third/Final instalment of Rs. 1,25,000/- to be paid at the time of quashing of the FIR before the Hon'ble High Court at New Delhi.

11. Today, the complainant who is present in Court states that she has received the last and final instalment of Rs. 1,25,000/- today, i.e., 27.02.2024 *vide* DD No. 459669 drawn on State Bank of Indian and has no objection if the FIR is quashed.

12. 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.

13. Accordingly, FIR bearing no. 280/2015, registered at Police Station Sangam Vihar, Delhi for the offence punishable under Sections 498A/406/506/34 of IPC and all consequential proceedings emanating therefrom are quashed.



14. The petition stands disposed of.
15. The order be uploaded on the website forthwith.

FEBRUARY 27, 2024/zp

SWARANA KANTA SHARMA, J

Click here to check corrigendum, if any