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

+ **CRL.M.C. 4472/2024**
HEMANT KUMAR @ HEMANT BANDERWAL AND ORS.

..... Petitioner

Through: Mr. Kishore Kumar, Advocate.

versus

THE STATE AND ANR.

..... Respondents

Through: Mr. Raghuvinder, APP for the State
with ASI Nimmo and SI Savita, P.S.
Punjabi Bagh.
Mr. Deep Chand and Mr. Khalil
Ahmed, Advocates for R-2.

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

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28.05.2024

CRL.M.A.16914/2024 (exemption)

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

CRL.M.C. 4472/2024

3. The instant petition under 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. 476/2022, registered at Police Station Punjabi Bagh, Delhi for the offences punishable under Sections 498A/406/34 of the Indian Penal Code, 1860 ('IPC') and all consequential proceedings emanating therefrom.
4. Issue notice. Mr. Raghuvinder, learned APP accepts notice on behalf of State.



5. Petitioners are present before this Court and have been identified by their counsel Mr. Kishore Kumar and Investigating Officer (IO) ASI Nimmo from Police Station Punjabi Bagh, Delhi.

6. Brief facts of the present case are that the marriage between petitioner no. 1 and respondent no. 2 was solemnized on 07.12.2020 as per Hindu rites and customs. No child was born out of said wedlock. It is stated that on the complaint of respondent no. 2, the present FIR bearing no. 476/2022 was registered at Police Station Punjabi Bagh, Delhi against the petitioners for offence punishable under Sections 498A/406/34 of IPC. It is stated that during the pendency of the case, both the parties have amicably settled all their disputes Counselling Cell, Family Court, Tis Hazari Court, Delhi *vide* Settlement Deed dated 29.08.2023. Thereafter, both the parties had dissolved their marriage by way of mutual consent before the concerned court.

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 before Counselling Cell, Family Court, Tis Hazari Court, Delhi *vide* Settlement Deed dated 29.08.2023.

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. 6,00,000/- in the following manner:



- a. First installment of Rs. 2,00,000/- paid to respondent no. 2 in the first motion petition u/s 13B(1) of HMA.
- b. Second installment of Rs. 2,00,000/- paid to respondent no. 2 in the second motion petition u/s 13B(2) of HMA
- d. Third/Final installment of Rs. 2,00,000/- 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.2,00,000/- today, i.e., 28.05.2024 *vide* DD No. 003148 drawn on HDFC Bank, Tank Road, 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. 476/2022, registered at Police Station Punjabi Bagh, Delhi for the offences punishable under Sections 498A/406/34 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 28, 2024/zp