



2024:DHC:7494



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

% Date of Decision: 27.09.2024

+ CRL.M.C. 4532/2024 & CRL.M.A. 17088/2024

MAHENDER & ORS

.....Petitioners

Through: Petitioner No.1 to 3 through VC.

versus

STATE NCT OF DELHI AND ANR

.....Respondents

Through: Ms. Meenakshi Dahiya, APP, APP for
State with SI Rajesh Kumar, P.S.
Vijay Vihar.Ms.(*appearance not given*), Advocate
with respondent No.2 in person.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

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J U D G M E N T**ANOOP KUMAR MENDIRATTA, J (ORAL)**

1. Petition under Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been preferred on behalf of petitioners for quashing of FIR No.444/2011, under Sections 498A/406 IPC registered at P.S.: Vijay Vihar and proceedings emanating therefrom.

2. In brief, as per the case of the petitioners, marriage between petitioner No.1 and respondent No. 2 was solemnized according to Hindu Rites and ceremonies on 06.06.2009. Two children were born out of the wedlock who are presently in custody of respondent No.2. Due to matrimonial differences, petitioner No.1 and respondent No. 2 started living separately. On complaint of respondent No. 2, present FIR was registered on 12.11.2011.

3. The disputes are stated to have been amicably settled between the parties in terms of Settlement Agreement dated 24.04.2023. The marriage



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between petitioner No. 1 and respondent No. 2 has been dissolved by decree of divorce by way of mutual consent under Section 13B(2) of the Hindu Marriage Act vide judgment dated 08.11.2023.

4. Learned APP for the State submits that in view of amicable settlement between the parties, she has no objection in case the FIR in question is quashed.

5. Petitioner No.1 to 3 and respondent No. 2 through VC have been identified by SI Rajesh Kumar PS: Vijay Vihar. Presence of petitioner No.4 to 7 is exempted. I have interacted with the parties and they confirm that the matter has been amicably settled between them without any threat, pressure or coercion. Respondent No. 2 also states that nothing remains to be further adjudicated upon between the parties and she has no objection in case the FIR in question is quashed.

6. Considering the facts and circumstances, since the matter has been amicably settled between the parties, no useful purpose shall be served by keeping the case pending. It would be nothing but an abuse of the process of Court. The chances of conviction are bleak in view of amicable settlement between the parties. Consequently, FIR No.444/2011, under Sections 498A/406 IPC registered at P.S.: Vijay Vihar and proceedings emanating therefrom stand quashed.

Petition is accordingly disposed of. Pending applications, if any, also stand disposed of.

A copy of this order be forwarded to learned Trial Court for information.

ANOOP KUMAR MENDIRATTA, J

SEPTEMBER 27, 2024/v