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

+ **CRL.M.C. 4569/2024**

AMAN CHADHA & ANR.

..... Petitioners

Through: Mr Yudhishter Sharma, Mr Mukesh Sharma, Mr Rajesh Kumar Aggarwal and Mr Gursimran Singh Sodhi, Advocates along with petitioners in person.

versus

THE STATE GNCT OF DELHI & ANR.

..... Respondents

Through: Mr Hitesh Vali, APP for the State with SI Prashant ASI Anil Kumar, PS Kanjhawala.
Mr Achit Singh Verma and Ms Anita Verma, Advocates for complainant along with complainant/respondent no.2 in person.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

29.05.2024

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CRL.M.A. 17194/2024

1. Allowed, subject to all just exceptions.

CRL.M.C. 4569/2024

2. The present petition has been filed under Section 482 CrPC seeking quashing of FIR No.0313/2022 under Sections 498A/406/34 IPC registered at Police Station Kanjhawala and all consequential proceedings emanating therefrom on the ground that the parties have arrived at a settlement.



3. Issue notice. The learned APP for the State accepts notice. He submits that since the FIR is an outcome of a matrimonial dispute and the parties have arrived at a settlement, the State has no objection in case the FIR in question is quashed.
4. The petitioner no.1 (former husband), as well as, respondent no. 2 (former wife) are present in the Court and they have been identified by their respective counsel and by the Investigating Officer SI Prashant ASI Anil Kumar, PS Kanjhawala.
5. Leaned counsel for the petitioners submits that petitioner no.2, who is the father of the petitioner no.1, is very old and is in a position to walk properly. The petitioner no.2 is exempted from his personal appearance.
6. The brief facts of the case are that the marriage between the petitioner no.1 and respondent no. 2 was solemnized on 14.10.2016 according to Sikh Rites and Customs. Out of the said wedlock, one girl child, namely, Pakhi Chadha was born, who is in the care and custody of the respondent no.2.
7. On account of temperamental issues certain disputes arose between the parties and they started living separately w.e.f.05.11.2021. The dispute between the parties also led to the registration of present FIR.
8. During the pendency of the proceedings, the parties have arrived at a settlement, terms whereof were reduced in writing in the form of Settlement dated 20.05.2024, a copy of which is annexed as Annexure P-5 to the present petition.
9. In terms of the said settlement, the parties decided to dissolve their marriage by filing a petition for divorce by way of mutual consent. Accordingly, the petitioner no.1 and respondent no.2 have obtained a decree of divorce dated 29.02.2024.



10. The settlement amount as recorded in the settlement is as under:-

“2. That it has been agreed between the parties to the present MOU that first party shall pay a total sum of Rs.25,00,000/- + 1,50,000/- (cash for minor) (Rs.15,00,000/- to the second party and Two FDRs of Rs.10,00,000 + Rs.1,50,000 in the name of the minor female child) and along with Rs.3,50,000/- to second party against her gold ornament.”

11. The amount of Rs.25,00,000/-, as well as, amount of Rs.3,50,000/- to the respondent no.2 (former wife) against her gold ornament.” has already been paid by the petitioner no.1 to the respondent no.2 in the manner as mentioned in the settlement.

12. The remaining amount of Rs.1,50,000/- has been paid to the respondent no.2 today in the court by the petitioner no.1 by way of Demand Draft bearing No.024778 dated 04.05.2024 issued by AXIS Bank.

13. The receipt of entire settlement amount is acknowledged by the respondent no.2, who is present in court.

14. The respondent no.2, on a query put by the Court, states that she has no objection in case the FIR is quashed.

15. In view of the fact that the parties have arrived at a settlement, no useful purpose will be served in continuing the proceedings, rather the same would create further acrimony between them.

16. It is, thus, in the interest of justice that the present FIR and all the other proceedings emanating therefrom be quashed.

17. Consequently, the petition is allowed and the FIR No.0313/2022 under Sections 498A/406/34 IPC registered at Police Station Kanjhawala alongwith all other proceedings emanating therefrom, is quashed.

18. The petition stands disposed of in the above terms.



19. Order be uploaded on the website of this court.

VIKAS MAHAJAN, J

MAY 29, 2024
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