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

+ **CRL.M.C. 4742/2024**

SACHIN KUMAR & ORS.

..... Petitioners

Through: Petitioners with their counsel Mr.
Nikhil Vij & Mr. S.C. Chawla, Advs.

versus

STATE OF NCT OF DELHI & ANR.

..... Respondents

Through: Mr. Naresh Kumar Chahar, APP for
the State with Mr. Utkarsh Chandra,
Mr. Mohan Shyam Arya and Mr.
Ashok Kumar Shukla, Advocates
along with SI Ghanshyam, P.S.
Waziradab.
R-2 with her counsel Mr. Nadeem
Khan, Adv.

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

31.05.2024

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CRL.M.A. 17724/2024 (exemption)

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

CRL.M.C. 4742/2024

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. 57/2019, registered at Police Station Wazirabad, 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. Naresh Kumar Chahar, learned APP accepts notice on behalf of State and Mr. Nadeem Khan, Advocate accepts notice on behalf of respondent No.2.

5. All the petitioners are present before this Court and have been identified by their counsel Mr. Nikhil Vij and Investigating Officer (IO) SI Ghanshyam from Police Station Wazirabad, Delhi.

6. Brief facts of the present case are that the marriage between petitioner no. 1 and respondent no. 2 was solemnized on 11.11.2016 as per Hindu rites and Ceremonies. It is stated that due to temperamental differences, both the parties started living separately from each other since 30.09.2018. On the complaint of respondent no. 2, the present FIR was registered 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 before Delhi Mediation Centre, Tis Hazari Courts, Delhi on 16.08.2022 and dissolved their marriage by way of mutual consent.

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 Delhi Mediation Centre, Tis Hazari Courts, Delhi on 16.08.2022.

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 has paid a sum of Rs. 5,35,000/- in four installments in the following manner:

a. First installment of Rs. 1,05,000/- paid to respondent no. 2 before the learned Referral Court on 20.08.2022.

b. Second instalment of Rs.1,00,000/- paid to respondent No. 2 at the time of withdrawal of case under Section 12 of the Domestic Violence Act..

c. Third installment of Rs. 2,00,000/- paid to respondent no. 2 at the time of withdrawal of case under Section 125 Cr.P.C.

d. Fourth /Final instalment of Rs. 1,30,000/- 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 fully and final payment of Rs. 5,35,000/- and has no objection, if the FIR is quashed.

11. In view of the above fact that the parties have amicably resolved their differences on 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. 57/2019, registered at Police Station Wazirabad, Delhi for the offences punishable under Sections 498A/406/34 of the 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.

MAY 31, 2024/A

SWARANA KANTA SHARMA, J

Click here to check corrigendum, if any