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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 31.05.2024

+ CRL.M.C. 4791/2024

HEMANT KUMAR AND ORS.

..... Petitioners

Through: Mr. Brijesh Kumar Sharma and
Mr. Sanjay Kumar Singh, Advocates
with Petitioner Nos. 1, 2 and 4
in-person.

versus

THE STATE NCT OF DELHI AND ANR.

..... Respondents

Through: Ms. Kiran Bairwa, APP for State with
SI Sanjay Kumar and ASI Pratap
Singh, P.S.: Nihal Vihar and
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)

CRL.M.A. 17922/2024

Exemption allowed, subject to just exceptions.

Application stands disposed of.

CRL.M.C. 4791/2024

1. Petition under Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been preferred on behalf of the petitioners for quashing of FIR No. 0116/2020, under Sections 406/498A/34 IPC, registered at PS: Nihal Vihar and proceedings emanating therefrom.
2. Issue notice. Learned APP for the State along with respondent No. 2 appear on advance notice and accept notice
3. 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 30.11.2017. A female child was born out of the wedlock. Due to temperamental differences, petitioner No. 1 and respondent No. 2 started living separately. On complaint of respondent No. 2, present FIR was registered on 18.02.2020.

4. The disputes are stated to have been amicably settled between the parties in terms of Settlement Deed dated 01.03.2023 and petitioner No. 1 and respondent No. 2 are thereafter residing together for the last one year.

5. 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.

6. Petitioner Nos. 1, 2 and 4 and respondent No. 2 are present in person and have been identified by SI Sanjay Kumar, P.S.: Nihal Vihar. Presence of petitioner No. 3 / Sunita Devi 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.

7. 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. Consequently, FIR No. 0116/2020, under Sections 498A/406/34 IPC, registered at PS: Nihal Vihar and proceedings emanating therefrom stand quashed.

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



2024 : DHC : 4579



A copy of this order be forwarded to learned trial court for information.

ANOOP KUMAR MENDIRATTA, J.

MAY 31, 2024/R