



2024:DHC:4744



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 31.05.2024

+ W.P.(CRL.) 1839/2024

SH. VIPIN AND ORS.

..... Petitioners

Through: Mr.Surender Singh and Mr.Aman Rai,
Advocates with petitioners in person.

versus

THE STATE (GOVT. OF NCT OF DELHI THROUGH
SHO PS-DWARKA SOUTH AND ANR.

.... Respondents

Through: Mr.Anand V. Khatri, ASC (Crl.) for
State with SI/IO Pramila and SI
Karishma Kanwat, P.S. Dwarka
South.Mr.Deepak Jain, 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)****CRL.M.A. 17891/2024**

Exemption allowed, subject to just exceptions.

Application stands disposed of.

W.P.(CRL.) 1839/2024

1. Petition under Article 226 of the Constitution of India read with 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. 521/2016, under Sections 498A/406/34 IPC registered at P.S.: Dwarka South and proceedings emanating therefrom.

2. Issue notice. Learned ASC for the State and learned counsel for



respondent No. 2 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 19.11.2011. A female child was born out of the wedlock who is presently in custody of respondent No.2. Due to temperamental differences, respondent No.2 and petitioner No.1 started living separately. On complaint of respondent No. 2, present FIR was registered on 02.10.2016.

4. The disputes are stated to have been amicably resolved between the parties in terms of Settlement Agreement dated 16.03.2024. The marriage 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 27.04.2024.

5. Balance amount of Rs. 10,00,000/- has been paid to respondent No.2 today through DD No.035918 dated 20.05.2024 drawn on HDFC Bank, East of Kailash, New Delhi Branch in favour of respondent No.2.

6. Learned ASC for the State submits that in view of amicable settlement between the parties, he has no objection in case the FIR in question is quashed.

7. Petitioners No.1, 2, 4 to 6 and respondent No. 2 are present in person and have been identified by SI Pramila, P.S.: Dwarka South. Petitioner No.3 (Smt.Geeta Goyal) is stated to have expired on 29.05.2022. 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.

8. 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. 521/2016, under Sections 498A/406/34 IPC registered at P.S.: Dwarka South 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 the learned Trial Court for information.

ANOOP KUMAR MENDIRATTA, J.

MAY 31, 2024/v