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

+ CRL.M.C. 4851/2024

VIVEK AND ORS

..... Petitioners

Through: Appearance not given.

versus

THE STATE GOVT OF NCT OF DELHI
AND ANR

..... Respondents

Through: Mr. Raghvinder Verma, Additional
Public Prosecutor for the State with
SI Praveen Kumar, P.S. Nangloi.
R-2 in person.

CORAM:

HON'BLE DR. JUSTICE SUDHIR KUMAR JAIN

ORDER

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19.06.2024

1. The present petition is filed under section 482 Cr.P.C. for quashing FIR bearing no. 0371/2023 dated 11.05.2023 registered under sections 406/498A/34 IPC at P.S. Nangloi along with consequential proceedings.
2. Issue notice.
3. Mr. Raghvinder Verma, Additional Public Prosecutor assisted by the Investigating Officer SI Praveen Kumar, P.S. Nangloi accepts notice on behalf of the respondent no. 1/State. The respondent no. 2 is present in person and accepts notice.
4. The petitioner no. 1 and the respondent no. 2 got married on 09.12.2019 at Hisar according to Hindu rites and ceremonies and no child was born out of their marriage. The petitioner no. 1 and the respondent no. 2



due to matrimonial differences, started to live separately w.e.f. 21.01.2022 without any cohabitation. The petitioners no. 2 and 3 are the family members of the petitioner no. 1. The petitioners and the respondent no. 2 are identified by the Investigating Officer, SI Praveen Kumar, P.S. Nangloi. After completion of investigation, the charge-sheet was filed and the trial is stated to be pending in the court of Ms. Alka Singh, MM, Mahila Court, Tis Hazari, Delhi/Successor Court.

5. The petitioner no.1 filed a divorce petition bearing no. 281/2023 titled as **Vivek V Anjali Yadav** which is stated to be pending before the Principal Judge, Family Court, Hilsar (Haryana). The counsel for the petitioner no.1 also filed a contempt petition which is stated to be pending before this court. The respondent no.2 has filed a petition under section 12 of the DV Act, 2005 vide MC no. 364/2023 titled as **Anjali Yadav V Vivek & Ors.** The respondent no.2 also initiated criminal proceedings in criminal case bearing CC no. 6646/2023 arising out of FIR bearing no. 0371/2023. The petition under section 12 of the DV Act, 2005 vide MC no. 364/2023 titled as **Anjali Yadav V Vivek & Ors** was referred before the Delhi Mediation Centre, Tis Hazari Courts, Delhi whereby the petitioner no. 1 and the respondent no.2 have settled all their pending disputes/litigation vide Settlement dated 14.03.2024 and they have agreed to dissolve their marriage by way of decree of divorce by mutual consent as per section 13 (B) of the Hindu Marriage Act, 1955. The petitioner no. 1 has also agreed to pay Rs.30,00,000/- (Rupees Thirty Lacs only) to the respondent no. 2 towards full and final satisfaction of all her claims/legal entitlements (past, present and future) arising out of marriage between the petitioner no. 1 and the respondent no. 2 including permanent alimony/maintenance/istridhan, etc. and miscellaneous



legal expenses. The petitioner no. 1 has already paid Rs.30,00,000/- to the respondent no. 2, which is acknowledged by the respondent no. 2. All the pending petitions between the parties are stated to be withdrawn/disposed of.

6. The marriage between the petitioner no. 1 and the respondent no. 2 has already been dissolved by way of decree of divorce by mutual consent as per section 13B (2) of Hindu Marriage Act, 1955 in petition bearing HMA no. 1407/2024 titled as **Vivek and Anjali Yadav** vide decree/judgment dated 22.05.2024 passed by the court of Ms. Charu Aggarwal, Judge, Family Court-01, West District , Tis Hazari Courts, Delhi.

7. The counsel for the petitioners stated that the petitioner no. 1 and the respondent no. 2 have settled their disputes vide Settlement dated 14.03.2024 before the Delhi Mediation Centre, Tis Hazari Courts, Delhi, the terms and conditions of which have already been executed. The marriage between the petitioner no. 1 and the respondent no. 2 has already been dissolved as such, the present petition be allowed and FIR bearing no. 0371/2023 be quashed along with consequential judicial proceedings.

8. The respondent no. 2 stated that she has settled the disputes with the petitioner no. 1 out of her own free will and without any fear, force and coercion. The respondent no.2 further stated that she has received the entire settled amount as such, she does not have any objection if the present petition is allowed and FIR bearing no. 0371/2023 is quashed along with consequential judicial proceedings.

9. The Additional Public Prosecutor stated that the petitioner no. 1 and the respondent no. 2 have settled their disputes and the marriage between the petitioner no. 1 and the respondent no. 2 has already been dissolved as such, he does not have any objection if the present petition is allowed and FIR



bearing no. 0371/2023 is quashed along with consequential judicial proceedings.

10. The petitioner no. 1 and the respondent no. 2 got married on 09.12.2019 and since 21.01.2021, they are living separately without any cohabitation. The petitioner no. 1 and the respondent no. 2 have already settled the pending disputes vide Settlement dated 14.03.2024 before the Delhi Mediation Centre, Tis Hazari Courts, Delhi , the terms and conditions of which have already been executed. The marriage between the petitioner no. 1 and the respondent no. 2 has already been dissolved as mentioned hereinabove. No useful purpose shall be served if the proceedings arising out of FIR bearing no. 0371/2023 are allowed to be continued. After considering all facts and in the interest of parties, the present petition is allowed and FIR bearing no. 0371/2023 dated 11.05.2023 registered under sections 406/498A/34 IPC at P.S. Nangloi is quashed alongwith consequential proceedings including judicial proceedings stated to be pending in the court of Ms. Alka Singh, MM, Mahila Court, Tis Hazari, Delhi/Successor Court /Successor Court.

11. The present petition alongwith pending applications, if any, stands disposed of.

DR. SUDHIR KUMAR JAIN
(VACATION JUDGE)

JUNE 19, 2024/K/ABK