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

+ **CRL.M.C. 4857/2024**

MR ASHISH KUMAR AND OTHERS

..... Petitioners

Through: Mr. Rahul Aggarwa, Advocate with
the petitioners in person

versus

THE STATE OF NCT OF DELHI AND ANR

..... Respondents

Through: Mr. Nawal Kishore Jha, APP for the
State with SI Babita, PS Seemapuri
Mr. Vipul Lamba, Advocate with the
respondent no. 2 in person.

CORAM:

HON'BLE DR. JUSTICE SUDHIR KUMAR JAIN

ORDER

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21.06.2024

1. The present petition is filed under section 482 Cr.P.C. for quashing of FIR bearing no.0300/2023 registered under sections 498A/406/34 IPC and section 4 of the Dowry Prohibition Act, 1961 at PS Seemapuri along with consequential proceedings.
2. Issue notice.
3. Mr. Nawal Kishore Jha, Additional Public Prosecutor accepts notice on behalf of the respondent no. 1/State assisted by SI Babita, PS Seemapuri. The respondent no. 2 who is present in person along with the counsel, accepts notice.
4. The petitioner no. 1 and the respondent no. 2 got married on



08.12.2020 at Uttar Pradesh 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 since June 2022 without any cohabitation. The petitioners no. 2 to 4 are the family members of the petitioner no. 1. The petitioners and the respondent no. 2 are identified by their respective counsel. The investigation is still pending and the chargesheet has not been filed.

5. It is stated that all the pending litigation between the parties have already been disposed of by initiating appropriate legal proceedings.

6. The respondent no. 2 got registered FIR bearing no. 0300/2023 under sections 498A/406/34 IPC and section 4 of the Dowry Prohibition Act, 1961 at PS Seemapuri wherein the petitioners were implicated.

7. The petitioner no. 1 and the respondent no. 2 have settled their pending disputes vide Settlement Agreement/MOU dated 20.04.2024 whereby 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.17,00,000/- (Rupees Seventeen Lakhs Only) to the respondent no. 2 towards full and final satisfaction of her claims/legal entitlements (past, present and future) arising out of marriage between the petitioner and the respondent no.2 including permanent alimony/maintenance/istridhan, etc. and miscellaneous legal expenses. The petitioner no. 1 has already paid Rs.12,00,000/- to the respondent no. 2 as per the schedule as mentioned in the Settlement Agreement/MOU dated 20.04.2024. The petitioner no.1 also handed over a demand draft dated 13.06.2024 bearing no. 864777 drawn on Bank of Maharashtra amounting to Rs. 5,00,000/- (Rupees Five Lakhs Only) to the



respondent no.2 which is accepted by the respondent no.2.

8. The marriage between the petitioner no. 1 and the respondent no. 2 has already 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. 894/2024 titled as **Madhuri and Ashish Kumar** vide judgment dated 31.05.2024 passed by the court of Ms. Twinkle Wadhwa, Judge, Family Court, Shahdara, Karkardooma Courts, Delhi.

9. The respective counsel for the petitioners and the respondent no. 2 stated that the petitioner no. 1 and the respondent no. 2 have settled their disputes vide Settlement Agreement/MOU dated 20.04.2024, 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.0300/2023 be quashed along with the consequential proceedings.

10. The respondent no. 2 stated that she has settled the disputes out of her own free will and without any fear, force and coercion. The respondent no.2 further stated that the pending disputes with the petitioners have been settled and 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.0300/2023 is quashed along with consequential proceedings.

11. The Additional Public Prosecutor stated that the petitioners 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.0300/2023 is quashed along with consequential proceedings.

12. The petitioner no. 1 and the respondent no. 2 got married on



08.12.2020 and since June, 2022 they are living separately without any cohabitation. The petitioners and the respondent no. 2 have already settled the pending disputes vide Settlement Agreement/MOU dated 20.04.2024, 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.0300/2023 are allowed to be continued. After considering all facts and in the interest of parties, the present petition is allowed and FIR bearing no.0300/2023 registered under sections 498A/406/34 IPC and section 4 of the Dowry Prohibition Act, 1961 at PS Seemapuri is quashed alongwith consequential proceedings.

13. The present petition stands disposed of.

DR. SUDHIR KUMAR JAIN
(VACATION JUDGE)

JUNE 21, 2024

Sk/am/abk