



2024:DHC:6715



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 03.09.2024

+ CRL.M.C. 4904/2024

JITENDER KUMAR

.....Petitioner

Through: Mr. Jagmohan Singh Khera, Advocate
with petitioner-in-person.

versus

STATE GOVT OF NCT OF DELHI AND ANR.Respondents

Through: Mr. Tarang Srivastava, APP for the
State with SI Bharat, PS: Uttam Nagar
and SI Mamta, PS: Dwarka, Sec.-23
with R-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)**

1. Petition under Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been preferred on behalf of the petitioner for quashing of FIR No. 0650/2021, under Sections 498A/406 IPC, registered at PS: Uttam Nagar and proceedings emanating therefrom.
2. In brief, as per the case of the petitioner, marriage between petitioner and respondent No. 2 was solemnized according to Hindu Rites and ceremonies on 27.07.2009. A male child was born out of the wedlock, who is presently in custody of respondent No. 2. Due to matrimonial differences, petitioner and respondent No. 2 started living separately. On complaint of respondent No. 2, present FIR was registered on 16.08.2021.
3. The disputes are stated to have been amicably settled between the parties in terms of settlement deed dated 05.08.2023 arrived at Counselling Cell, Family Court, Dwarka Courts, New Delhi. The marriage between petitioner and respondent No. 2 has been dissolved by decree of divorce by



2024:DHC:6715



way of mutual consent under Section 13B(2) of the Hindu Marriage Act vide judgment dated 30.04.2024.

4. 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.

5. Petitioner and respondent No. 2 are present in person and have been identified by SI Bharat, PS: Uttam Nagar. 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.

6. 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. The chances of conviction are bleak in view of amicable settlement between the parties. Consequently, FIR No. 0650/2021, under Sections 498A/406 IPC, registered at PS: Uttam Nagar 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 learned Trial Court for information.

ANOOP KUMAR MENDIRATTA, J

SEPTEMBER 03, 2024/R