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

+ **CRL.M.C. 4930/2024 & CRL.M.A. 18866/2024**

AMIT MALHOTRA & ORS.

..... Petitioners

Through: Mr. Dheeraj Gupta, Advocate with
petitioners in person.

versus

STATE OF NCT OF DELHI & ANR.

..... Respondents

Through: Mr. Satinder Singh Bawa, APP for
State.

S.I. Ritu (main I.O.), PS Mohan
Garden & S.I. Lalit Kumar, PS
Bindapur.

Mr. Mandeep Kumar, Mr. Navdeep
Jain & Mr. Anmol Singhal,
Advocates for R-2 with R-2 in person.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

% **02.07.2024**

CRL.M.A. 18867/2024 (Exemption)

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

CRL.M.C. 4930/2024

3. The present Petition under Section 482 of the Code of Criminal Procedure, 1973 (*hereinafter referred to as "Cr.P.C., 1973"*) has been filed on behalf of the petitioners seeking to quash the FIR No. 1015/2020 registered under Sections 498A/406/34 of the Indian Penal Code, 1860 (*hereinafter referred to as "IPC., 1860"*) at Police Station Bindapur, Delhi.



4. Issue notice.
5. Mr. Satinder Singh Bawa, learned Additional Public Prosecutor appearing on advance notice, accepts notice on behalf of the State.
6. Mr. Mandeep Kumar, learned counsel appearing on advance notice, accepts notice on behalf of the respondent No. 2.
7. Brief facts of the case are that the marriage was solemnized between petitioner No. 1 and respondent No. 2 on 15.11.2017 according to Hindu rites and ceremonies. However, there is no child born out of the said wedlock. Since 2019, the parties started residing separately.
8. It is further submitted that on 2.10.2020, on the complaint of respondent No. 2, an FIR bearing No. 1015/2020 under Sections 498A/406/34 of the IPC, 1860 got registered at Police Station Bindapur.
9. It is stated that the respondent No. 2 filed a Complaint under Section 12 of the Protection of Women from Domestic Violence Act, 2005 against the petitioners before the Mahila Court, Dwarka Court, Delhi, which is pending adjudication.
10. It is stated that with the intervention of the family members and relatives, both the parties have amicably settled all the disputes and differences between them and arrived at Settlement Agreement dated 25.04.2024, wherein it was *inter alia* settled between the parties that the respondent No. 2/wife and the petitioner No. 1/husband shall dissolve their marriage by decree of mutual consent. It is stated that petitioner No. 1/husband shall pay a sum of Rs. 20,00,000/- to the respondent No. 2/wife towards full and final amount of all the claims of the respondent No. 2/wife. It is also stated that the petitioner No. 1 has already paid Rs. 15,00,000 to respondent No. 2/wife in two instalments viz., Rs. 10,00,000/-



was paid at the time of recording of statements in First Motion Petition under Section 13(b) of the Hindu Marriage Act, 1955 and another Rs. 5,00,000/- was paid at the time of recording of statements in Second Motion Petition under Section 13(b)(2) of the Hindu Marriage Act, 1955.

11. It is further stated that the remaining third instalment of Rs. 5,00,000/- shall be paid by the petitioner No. 1/husband at the time of quashing of FIR No. 1015/2020.

12. It is also stated that on 04.06.2024, the marriage between petitioner No. 1 and respondent No. 2 had been dissolved as per Hindu law.

13. In view of the Settlement Agreement dated 25.04.2024, the present petition has been filed.

14. The parties are present before this Court in-person today, and have been identified by their counsel and Investigating Officer concerned.

15. The third instalment of Rs. 5,00,000/- has been paid to the respondent No. 2/wife by the petitioner No. 1 today *vide* Demand Draft No. 630132 dated 01.07.2024 made in favour of the respondent No. 2/Nitika by petitioner No. 2/Basant Lal Mahotra, father of petitioner No. 1, drawn on IDFC First Bank, Nehra Place Branch, Delhi, and the same has been accepted by the respondent No. 2/wife.

16. The parties have submitted that all the disputes have been amicably settled *vide* Settlement Agreement dated 25.04.2024 and thus, no fruitful purpose will be served in continuing with the FIR.

17. The present petition has been signed by all the petitioners and is supported by their respective affidavits. The parties have reaffirmed the terms of the settlement arrived at *vide* Settlement Agreement dated 25.04.2024 and they also submit that the said Settlement Agreement dated



25.04.2024 has been arrived at between the parties without any pressure and coercion.

18. Today, the complainant/respondent No. 2/wife, who is present in Court, states that she has received all amounts due to her and has no objection if the FIR is quashed.

19. In view of the above facts that the parties have amicably resolved their differences out of their own free will and without any coercion and also the fact that the present matter is a family matter, no useful purpose will be served in continuing with the proceedings, rather the same would create further acrimony between them. Hence, it would be in the interest of justice to quash the abovementioned FIR and the proceedings pursuant thereto.

20. Moreover, there is no legal impediment in quashing the FIR in question.

21. Accordingly, FIR bearing No. 1015/2020 registered at Police Station Bindapur, for offences punishable under Sections 498A/406/34 of IPC, 1860 and all consequential proceedings emanating therefrom are quashed.

22. The petition along with pending application stands disposed of.

NEENA BANSAL KRISHNA, J

JULY 2, 2024
S.Sharma