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

+ **CRL.M.C. 4934/2024&CRL.M.A. 18877/2024**

PANKAJ KUMAR & ORS.

..... Petitioners

Through Counsel(appearance not given)

versus

THE STATE NCT OF DELHI AND ANR

..... Respondents

Through

Mr. Hitesh Wali, APP for the
State with SI Narender Kumar,
PS: Hari Nagar.

Petitioner No. 1-4 are present in
person.

Petitioner no. 5 is present through
VC.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

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02.07.2024

CRL.M.A. 18877/2024 (Exemption)

1. Exemption allowed subject to just exceptions.
2. Accordingly, application stands disposed of.

W.P.M.C.4934/2024

1. This petition has been filed seeking quashing of FIR No.448/2018 registered under Sections 406/498-A/34 IPC registered at PS Hari Nagar.
2. The marriage of petitioner no.1 and respondent no.2 was solemnized at Delhi on 21st November, 2011.
3. Two children were born out of wedlock, one female and one male child.



4. Pursuant to matrimonial disputes, parties have since procured a divorce by a decree dated 19th March, 2024. The custody of both the children has been granted to respondent no.2.

5. The parties have since settled their disputes with the facilitation of the Mediation Centre, Tis Hazari Court on 19th January, 2024, which has been placed on record.

6. As per the settlement, petitioner no.1 has to pay Rs. 17 lacs to the respondent no.2 towards permanent maintenance alimony, *stridhan* etc., the same to be paid in three instalments; it is noted that the first two instalments of Rs. 6 lacs each have been paid and the balance in instalment of Rs. 5 lacs is being paid today by means of demand draft as follows:

- a) DD No. 156414 dated 15th April, 2024 of Rs. 1,00,000/-
- b) DD No. 156415 dated 15th April, 2024 of Rs. 1,00,000/-
- c) DD No. 576129 dated 23rd April, 2024 of Rs. 3,00,000/-

Total: Rs. 5,00,000/-

7. The said DDs have been accepted by respondent no.2 in Court and duly acknowledged. The petitioner no. 1-4 and respondent no. 2 are present in Court and are duly identified by the IO whereas petitioner no.5 is present through VC.

8. Considering the above settlement between the parties and the chances of conviction of the petitioners being remote and bleak, there is no use continuing with proceedings of the present FIR as it would be a misuse of the process of the Court and an unnecessary burden on the State exchequer. Accordingly, the petition is allowed. Consequently, the FIR No.448/2018 registered under Sections 406/498-A/34 IPC at PS Hari Nagar and proceedings emanating



therefrom are quashed.

9. It is however made clear that the said settlement will not affect the rights of the minor children in future.
10. Parties shall abide by the terms of settlement.
11. Accordingly, the petition is disposed of. Pending applications (if any) are disposed of as infructuous.
12. Order be uploaded on the website of this Court.

ANISH DAYAL, J

JULY 2, 2024/RK

[Click here to check corrigendum, if any](#)