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

+ **CRL.M.C. 4945/2024**

SUNNY AND ORS.

..... Petitioners

Through: Mr. Rajeev Kumar, Advocate with
petitioners in person.

versus

STATE NCT OF DELHI AND ANR.

..... Respondents

Through: Ms. Meenakshi Dahiya, APP for the
State.
S.I. Chetan, PS Swarup Nagar.
Mr. Abdul Salam, Advocate for R-2
with R-2 in person.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

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02.07.2024

CRL.M.A. 18919/2024 (Exemption)

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

CRL.M.C. 4945/2024

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. 124/2018 registered under Sections 498A/406/34 of the Indian Penal Code, 1860 (*hereinafter referred to as "IPC, 1860"*) at Police Station Swarup Nagar, Delhi.
4. Issue notice.



5. Ms. Meenakshi Dahiya, learned Additional Public Prosecutor appearing on advance notice, accepts notice on behalf of the State.
6. Mr. Abdul Salam, 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 11.12.2006 according to Hindu rites and ceremonies and two children are born out of the said wedlock.
8. It is further submitted that on 11.04.2018, on the complaint of respondent No. 2, an FIR bearing No. 124/2018 under Sections 498A/406/34 of the IPC, 1860 got registered at Police Station Swaroop Nagar, Delhi.
9. It is stated that the petitioner No. 1 and the respondent No. 2 have amicably settled all the disputes and differences between them and arrived at Settlement Deed dated 04.01.2024, 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. 7,50,000/- 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. 5,00,000 to respondent No. 2/wife in two instalments viz., Rs. 2,50,000/- 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. 2,50,000/- was paid at the time of recording of statements in Second Motion Petition under Section 13(b)(2) of the Hindu Marriage Act, 1955.
10. It is further stated that the remaining third instalment of Rs. 2,50,000/- shall be paid by the petitioner No. 1/husband at the time of quashing of FIR No. 124/2018.



11. It is also stated that on 01.06.2024, the marriage between petitioner No. 1 and respondent No. 2 had been dissolved as per Hindu law.

12. In view of the Settlement Deed dated 04.01.2024, the present petition has been filed.

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

14. The third instalment of Rs. 2,50,000/- has been paid to the respondent No. 2/wife by the petitioner No. 1 today, Rs. 1,50,000/- has been paid *vide* Demand Draft No. 406451 dated 25.06.2024 made in favour of the respondent No. 2/Puja, drawn on Bank of Baroda, Amroha Gate, Moradabad Branch, Uttar Pradesh-244001, and the remaining sum of Rs. 1,50,000/- has been paid in cash, and the same has been accepted by the respondent No. 2/wife.

15. The parties have submitted that all the disputes have been amicably settled *vide* Settlement Deed dated 04.01.2024 and thus, no fruitful purpose will be served in continuing with the FIR.

16. 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 Deed dated 04.01.2024 and they also submit that the said Settlement Deed dated 04.01.2024 has been arrived at between the parties without any pressure and coercion.

17. 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.

18. 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.

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

20. Accordingly, FIR bearing No. 124/2018 registered at Police Station Swaroop Nagar, Delhi, for offences punishable under Sections 498A/406/34 of IPC, 1860 and all consequential proceedings emanating therefrom are quashed.

21. The petition stands disposed of.

NEENA BANSAL KRISHNA, J

JULY 2, 2024

S.Sharma