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

+ CRL.M.C. 5031/2024

KRISHAN @ KISHAN & ORS.

.....Petitioners

Through: Ms. Vandana Rani, Advocate with
petitioners.

versus

THE STATE & ANR.

.....Respondents

Through: Mr. Hemant Mehla, APP for the State
with ASI Vikram Singh, P.S. Karawal
Nagar with R2.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

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04.07.2024

CRL.M.A.19234/2024 (Exemption)

1. Exemption allowed, subject to all jus exceptions.
2. The application stands disposed of.

CRL.M.C. 5031/2024

3. The 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. 171/2019 for the offence punishable under Sections 406/498A/34 of the Indian Penal Code, 1860 (*hereinafter referred to as "IPC, 1860"*) registered at Police Station Karawal Nagar.
4. Issue notice.



5. Mr. Hemant Mehla, learned Additional Public Prosecutor appearing on advance notice, accepts notice on behalf of the State.
6. Brief facts of the case are that the marriage was solemnized between petitioner No. 1 and respondent No. 2 on 18.03.2018, according to Hindu rites and ceremonies and no child was born from the said wedlock.
7. It is further submitted that on 05.05.2019, on the complaint of respondent No. 2, an FIR No. 171/2019 for the offence punishable under Sections 406/498A/34 of the Indian Penal Code, 1860 (*hereinafter referred to as "IPC, 1860"*) registered at Police Station Karawal Nagar.
8. 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 28.07.2023 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. 6,00,000/- towards full and final settlement of all the claims of the respondent No. 2/wife, in three instalments by way of Draft/NEFT/RTGS/Cash. It is also stated that the petitioner No. 1 has already paid Rs. 5,00,000/- to respondent No. 2/wife in three instalments viz., Rs. 1,00,000/- was paid at the time of settlement i.e. 28.07.2023 and another Rs.2,00,000/- 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. 2,00,000/- was paid at the time of recording of statements in Second Motion Petition under Section 13(b)(2) of the Hindu Marriage Act, 1955.
9. It is further stated that the remaining sum of Rs. 1,00,000/- shall be paid by the petitioner No. 1/husband at the time of quashing of FIR No.



171/2019.

10. It is also stated that on 03.01.2023, the marriage between petitioner No. 1 and respondent No. 2 had been dissolved as per Hindu law.

11. In view of the Settlement Deed dated 28.07.2023, the present petition has been filed.

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

13. A cheque for a sum Rs. 1,00,000/-, i.e the balance amount, has been handed over to the respondent No. 2/wife by the petitioner No. 1 *vide* Demand Draft No. 512984, made in favour of the respondent No. 2/Neelam, drawn on Kotak Mahindra Bank and the same has been accepted by the respondent No. 2/wife.

14. The parties have submitted that all the disputes have been amicably settled *vide* Settlement Deed dated 28.07.2023 and thus, no fruitful purpose will be served in continuing with the FIR.

15. 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 28.07.2023 and they also submit that the said Settlement Deed dated 28.07.2023 has been arrived at between the parties without any pressure and coercion.

16. 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.

17. 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.

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

19. Accordingly, FIR No. 171/2019 for the offence punishable under Sections 406/498A/34 of the Indian Penal Code, 1860 (*hereinafter referred to as "IPC, 1860"*) registered at Police Station Karawal Nagar and all consequential proceedings emanating therefrom are quashed.

20. The petition stands disposed of.

NEENA BANSAL KRISHNA, J

JULY 4, 2024/RS