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

+ **CRL.M.C. 5060/2024**

SH. DINESH GUPTA & ANR.

.....Petitioners

Through: Mr. Tanu Singhal, Mr. Deepak Kumar, Mr. Deepak & Mr. Mritunjay Kumar, Advocates with petitioners in person.

versus

STATE NCT OF DELHI AND ANR

.....Respondents

Through: Mr. Satinder Singh Bawa, APP for State.
Insp. Rakesh, S.I. Meenu & A.S.I. Krishan Pal, PS Mahindra Park, Delhi.
Ms. Counsel for R-2 (appearance not given) with R-2 in person.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

% **05.07.2024**

CRL.M.A. 19351/2024 (Exemption)

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

CRL.M.C. 5060/2024

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. 0132/2017 registered under Sections 498A/406/34 of the Indian Penal Code, 1860 (*hereinafter referred to as "IPC, 1860"*) at Police Station Mahendra Park,



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. Learned counsel appearing on advance notice on behalf of the respondent No. 2, accepts notice.

7. Brief facts of the case are that the marriage was solemnized between petitioner No. 1 and respondent No. 2 on 04.12.2015 according to Hindu rites and ceremonies.

8. It is further submitted that on 20.05.2017 on the complaint of respondent No. 2, an FIR bearing No. 0132/2017 under Sections 498A/406/34 of the IPC, 1860 got registered at Police Station Mahendra Park, Delhi.

9. It is stated that the parties, with the mutual consent, have amicably settled all the disputes and differences between them *vide* Settlement Deed dated 06.11.2023 in the Mediation Cell, Karkardooma Court, Delhi which *inter alia* states that: -

- (i) That the respondent No. 2/wife and the petitioner No. 1/husband shall dissolve their marriage by decree of mutual consent,
- (ii) A total sum of Rs. 11,00,000/- shall be paid to the respondent No. 2 by the petitioner No. 1 towards her full and final amount of all the claims,
- (iii) First instalment of Rs. 4,00,000/- by way of DD shall be paid at the time of recording of First Motion Petition under Section 13(b) of the Hindu Marriage Act, 1955,
- (iv) Second instalment of Rs. 3,50,000/- by way of DD/cheque shall



be paid at the time of recording of First Motion Petition under Section 13(b) of the Hindu Marriage Act, 1955,

(v) The third and final instalment of Rs. 3,50,000/- by way of DD/cheque shall be paid at the time quashing of FIR,

(vi) That all the pending cases against the petitioners shall be withdrawn by the respondent No. 2.

10. It is further stated that Rs. 7,50,000/- has already been filed by the petitioner No. 1 to the respondent No. 2 viz., the aforesaid two instalments.

11. It is also stated that on 18.05.2024, 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 06.11.2023, 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. 3,50,000/- has been paid to the respondent No. 2/wife by the petitioner No. 1 today, *vide* Bankers Cheque No. 244765 dated 02.07.2024 made in favour of the respondent No. 2/Neha, drawn on State Bank of India, Model Town near Narang Hospital Branch, Delhi 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 06.11.2023 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 06.11.2023 and they also submit that the said Settlement Deed dated 06.11.2023 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. 0132/2017 registered at Police Station Mahendra Park, 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 5, 2024

S.Sharma