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

+ **CRL.M.C. 5074/2024**

AJAY GUPTA & ANR.

.....Petitioners

Through: Mr. Braj Kishore Roy, Adv.

versus

STATE (GOVT. OF NCT OF DELHI & ANR.Respondents

Through: Mr. Hitesh Wali, APP for the State
SI Neeraj, PS Subzi Mandi
Mr. Bonny Mehra, Adv. for R-2
(complainant) with R-2 in person

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

% **05.07.2024**

CRL.M.A. 19386/2024 & CRL.M.A. 19423/2024

1. Exemptions are allowed, subject to all just exceptions.
2. Both the applications stand disposed of.

CRL.M.C. 5074/2024

1. This petition is filed seeking quashing of FIR No. 307/2016 dated 23rd October 2016 under Sections 498-A/324/34 IPC registered at P.S Sabzi Mandi, on the basis of settlement arrived at between the parties on 16th July 2022, which is on record of this Court.
2. Petitioner no.2 and complainant/ respondent no.2 are present in the Court, in person and are duly identified by the IO, as also by their respective counsels. Petitioner no.1, the husband, could not appear today being stranded in a flooded area in Madhepura, Bihar.
3. Petitioner no.1 and Respondent no.2 got married on 15th April, 2009



and a male child was born out of wedlock, who is in custody of respondent no.2-mother. Subsequently, owing to some matrimonial disputes, their marriage stood dissolved by a divorce with mutual consent on 9th November 2023, and in the said order it is recorded that respondent no.2 has received Rs.4 lacs and the remaining Rs.1,50,000/- has to be paid at the time of quashing of the FIR.

4. The balance amount of Rs.1,50,000/- (Rupees One Lakh Fifty Thousand Only) is tendered to respondent no.2 in the Court today by way of a Demand Draft No. 467334 dated 17th May 2024 drawn on SBI; she acknowledges the same and states that she has no objection to quashing of the FIR.

5. 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. 307/2016 dated 23rd October 2016 under Sections 498-A/324/34 IPC registered at P.S Sabzi Mandi and proceedings emanating therefrom are quashed.

6. It is however made clear that the said settlement will not affect the rights of the minor child in future.

7. Parties shall abide by the terms of settlement.

8. Accordingly, the petition is disposed of. Pending application, if any, is disposed of as infructuous.

9. Order be uploaded on the website of this Court.

ANISH DAYAL, J

JULY 5, 2024/sm