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

+ **CRL.M.C. 5081/2024**

NANAK CHAND @ NANAK SINGH

.....Petitioner

Through: Mr. Ashok Thagal, Advocate with
petitioner in person.

versus

STATE OF NCT DELHI & ANR.

.....Respondents

Through: Mr. Satinder Singh Bawa, APP for
State.

Mr. A.K. Kashyap, Advocate for R-2
with R-2 in person.

S.I. Shiv Dayal Kumar, PS Harsh
Vihar, Delhi.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

% **08.07.2024**

CRL.M.A. 19428/2024 (Exemption)

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

CRL.M.C. 5081/2024 (u/S 482 of Cr.P.C., 1973)

3. By way of present petition, the petitioner seeks to quash the FIR No. 02/2012 registered under Sections 498A/406/354/34 of the Indian Penal Code, 1860 (*hereinafter referred to as "IPC, 1860"*) and Section 4 of the Dowry Prohibition Act at Police Station Harsh Vihar, 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. Mr. A.K. Kashyap, 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 husband and respondent No. 2 according to Hindu rites and ceremonies.

8. It is further submitted that on 02.01.2012 on the complaint of respondent No. 2, an FIR No. 02/2012 registered under Sections 498A/406/354/34 of the IPC, 1860 and Section 4 of the Dowry Prohibition Act at Police Station Harsh Vihar, Delhi against the petitioner and his brother, who was the husband of respondent No. 2.

9. It is submitted that during the trial, the husband of the respondent No. 2 expired on 12.03.2020 and the proceedings *qua* the husband stood abated and the case survives only against the petitioner, who is the brother-in-law (Nandoi) of the respondent No. 2.

10. It is also submitted that the respondent No. 2 has re-married again after getting the divorce from her husband.

11. It is stated that the parties, with the intervention of old respectable and responsible persons of the society as well as the Trial Court, have amicably settled all the disputes and differences between them *vide* Settlement Deed dated 25.10.2016 in the Delhi Mediation Centre, Karkardooma Court, Delhi which *inter alia* states that: -

(i) That the marriage between the respondent No. 2/wife and the husband/Shri Bhagwan Das has been declared as null and void under Section 12(1)(a) of Hindu Marriage Act, 1955 *vide* Judgment dated 29.11.2012,

(ii) A total sum of Rs. 60,000/- shall be paid to the respondent No. 2 by the husband/Shri Bhagwan Das towards her full and final



amount of all the claims by way of DD/cash,

(iii) That the settlement amount of Rs. 60,000/- by way of DD/cheque shall be paid at the time quashing of FIR,

(iv) That all the pending cases against the petitioner and his deceased brother shall be withdrawn by the respondent No. 2.

12. It is further stated that Rs. 60,000/- has already been paid by the petitioner to the respondent No. 2.

13. In view of the Settlement Deed dated 25.10.2016, the present petition has been filed.

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

15. The amount of Rs. 60,000/- has already been paid to the respondent No. 2/wife by the petitioner and the same has been acknowledged by the respondent No. 2/wife.

16. The parties have submitted that all the disputes have been amicably settled *vide* Settlement Deed dated 25.10.2016 and thus, no fruitful purpose will be served in continuing with the FIR.

17. The present petition has been signed by the petitioner and is supported by his affidavit. The parties have reaffirmed the terms of the Settlement Deed dated 25.10.2016 and they also submit that the settlement has been arrived at between the parties without any pressure and coercion.

18. 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.

19. 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.

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

21. FIR No. 02/2012 registered under Sections 498A/406/354/34 of the IPC, 1860 and Section 4 of the Dowry Prohibition Act at Police Station Harsh Vihar, Delhi and all consequential proceedings emanating therefrom are quashed.

22. The petition stands disposed of.

NEENA BANSAL KRISHNA, J

JULY 8, 2024
S.Sharma