



2024:DHC:5302



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 18.07.2024

+ CRL.M.C. 5118/2024

GAURAV KUMAR & ORS.

..... Petitioners

Through: Mr.Vinod Yadav, Advocate with
petitioners in person.

versus

STATE NCT OF DELHI AND ANR.

.... Respondents

Through: Mr.Yudhvir Singh Chauhan, APP for
State with SI Kapil Singh, P.S.
Timarpur.
Mr.Baljeet Kumar, Advocate with
respondent No.2 in person.**CORAM:****HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA**

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J U D G M E N T**ANOOP KUMAR MENDIRATTA, J (ORAL)****CRL.M.A. 19540/2024**

Exemption allowed, subject to just exceptions.

Application stands disposed of.

CRL.M.C. 5118/2024

1. Petition under Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been preferred on behalf of the petitioners for quashing of FIR No. 0452/2017, under Sections 498A/406/34 IPC registered at P.S.: Timarpur and proceedings emanating therefrom.

2. Issue notice. Learned APP for the State and learned counsel for respondent No. 2 along with respondent No. 2 appear on advance notice and



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accept notice.

3. In brief, as per the case of the petitioners, marriage between petitioner No.1 and respondent No. 2 was solemnized according to Hindu rites and ceremonies on 28.11.2014. A female child was born out of the wedlock who is presently in custody of respondent No.2. Due to temperamental differences, petitioner No.1 and respondent No.2 started living separately. On complaint of respondent No. 2, present FIR was registered on 21.10.2017.

4. The disputes are stated to have been amicably settled between the parties in terms of order dated 13.02.2024. The marriage between petitioner No. 1 and respondent No. 2 has been dissolved by decree of divorce dated 27.05.2024, by way of mutual consent under Section 13B(2) of the Hindu Marriage Act.

5. Balance amount of Rs.8,80,000/- has been paid to respondent No.2 today through DD No.470911 dated 04.07.2024 drawn on Punjab National Bank, Gitanjali Enclave, New Delhi Branch in favour of respondent No.2.

6. Learned APP for the State submits that in view of amicable settlement between the parties, he has no objection in case the FIR in question is quashed.

7. Petitioners and respondent No. 2 are present in person and have been identified by SI Kapil Singh, P.S.: Timarpur. I have interacted with the parties and they confirm that the matter has been amicably settled between them without any threat, pressure or coercion. Respondent No. 2 also states that nothing remains to be further adjudicated upon between the parties and she has no objection in case the FIR in question is quashed.

8. Considering the facts and circumstances, since the matter has been



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amicably settled between the parties, no useful purpose shall be served by keeping the case pending. Continuation of proceedings would be nothing but an abuse of the process of Court. Consequently, FIR No. 0452/2017, under Sections 498A/406/34 IPC registered at P.S.: Timarpur and the proceedings emanating therefrom stand quashed.

Petition is accordingly disposed of. Pending applications, if any, also stand disposed of.

A copy of this order be forwarded to learned Trial Court for information.

ANOOP KUMAR MENDIRATTA, J.

JULY 18, 2024/v