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

+ **CRL.M.C. 5141/2024**

RAKESH KAUSHIK AND ANR.

.....Petitioners

Through: Mr. Yashwant Gahlot and Mr.
Hemant Gahlot, Advocates.

versus

STATE NCT OF DELHI AND ANR.

.....Respondents

Through: Mr. Satinder Singh Bawa, APP for
the State with SI Aarti Yadav, PS
Kapashera.
Mr. Devender Kumar, Advocate for
the complainant/R2 with R2.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

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13.08.2024

1. The Petition under Article 227 of the Constitution of India read with Section 482 of the Code of Criminal Procedure (*hereinafter referred to as* "Cr.P.C., 1973") has been filed on behalf of the petitioners, seeking to quash the FIR No. 7/2021, for the offence under Section 406/498A/506/342/34 of the Indian Penal Code, 1860 (*hereinafter referred to as* "IPC, 1860") registered at Police Station Kapashera, New Delhi.
2. Issue notice.
3. Mr. Satinder Singh Bawa, learned Additional Public Prosecutor appearing on advance notice, accepts notice on behalf of the State.
4. Brief facts of the case are that the marriage was solemnized between



petitioner No. 1 and respondent No. 2 on 28.02.2017, according to Hindu rites and ceremonies and no child was born out of the said wedlock.

5. It is further submitted that on the complaint of respondent No. 2, an FIR bearing No. 7/2021 dated 07.01.2021, for the offence under Sections 498-A/406/506/342/34 of the IPC, got registered at Police Station Kapashera.

6. It is stated that the petitioner No. 1 and the respondent No. 2 have amicably settled all the disputes and differences between them before the Mediation Centre, Dwarka Courts, New Delhi and arrived at Settlement Agreement dated 12.01.2024 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.16,50,000/- towards full and final settlement of all the claims of the respondent No. 2/wife, in three instalments by way of DD/Pay Order along with permanent alimony, *stridhan* and maintenance (past, present and future). It is also stated that the petitioner No. 1 shall pay first instalment of Rs. 5,50,000/- to respondent No. 2/wife, by way of Demand Draft, at the time of recording of their joint statement in the first motion Petition under Section 13-B(1) of the Hindu Marriage Act, 1955. It is further stated that the petitioner No. 1 shall pay second instalment of Rs. 5,50,000/-, by way of Demand Draft, at the time of recording of statements in Second Motion Petition under Section 13(b) of the Hindu Marriage Act, 1955 and the petitioner No. 1 shall pay another third instalment of Rs. 5,50,000/-, by way of Demand Draft, at the time of quashing the aforesaid FIR.

7. It is also stated that on 01.04.2024, the marriage between petitioner



No. 1 and respondent No. 2, had been dissolved as per Hindu law.

8. In view of the Settlement Deed dated 12.01.2024, the present Petition has been filed.

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

10. It is stated that the petitioner No. 1 has already paid first instalment of Rs. 5,50,000/- to respondent No. 2/wife, by way of Demand Draft, at the time of recording of their joint statement in the first motion Petition under Section 13-B(1) of the Hindu Marriage Act, 1955. It is further stated that the petitioner No. 1 has already paid second instalment of Rs. 5,50,000/-, by way of Demand Draft, at the time of recording of statements in Second Motion Petition under Section 13(b) of the Hindu Marriage Act, 1955. A cheque for a sum Rs. 5,50,000/-, i.e the balance amount dated 21.06.2024 has been handed over to the respondent No. 2/wife by the petitioner No. 1 *vide* Demand Draft No. 109955, made in favour of the respondent No. 2/Yogesh Vats, drawn on Bank of Baroda, Najafgarh Village Branch, Delhi-110043 and the same has been accepted by the respondent No. 2/wife.

11. The parties have submitted that all the disputes have been amicably settled *vide* Settlement dated 12.01.2024 and thus, no fruitful purpose will be served in continuing with the FIR.

12. 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 12.01.2024 and they also submit that the said Settlement Deed dated 12.01.2024 has been arrived at between the parties without any pressure and coercion.

13. 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.

14. 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.

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

16. Accordingly, FIR No. 7/2021 for the offence punishable under Section 498-A/406/506/342/34 of IPC, Registered at Police Station Kapashera and all consequential proceedings emanating therefrom are quashed.

17. The Petition stands disposed of.

NEENA BANSAL KRISHNA, J

AUGUST 13, 2024/RS