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

+ CRL.M.C. 5142/2024

SH ROHIT & ORS.

.....Petitioners

Through: Mr. Rishabh Kumar, Mr. Vivek Anand & Mr. Sunil Kumar, Advocates with petitioners in person.

versus

STATE OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Hemant Mehla, APP for State.
Mr. Bhaskar Pandey, Advocate for R-2 with R-2 in person.
A.S.I. Rajvir Singh, PS New Usmanpur, Delhi.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

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08.07.2024

1. 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. 760/2022 registered under Sections 498A/406/34 of the Indian Penal Code, 1860 (*hereinafter referred to as "IPC, 1860"*) and Section 4 of Dowry Prohibition Act at Police Station New Ushmanpur, Delhi.
2. Issue notice.
3. Mr. Hemant Mehla, learned Additional Public Prosecutor appearing on advance notice, accepts notice on behalf of the State.
4. Mr. Bhaskar Pandey, learned counsel appearing on advance notice, accepts notice on behalf of the respondent No. 2.



5. Brief facts of the case are that the marriage was solemnized between petitioner No. 1 and respondent No. 2 on 12.05.2017 according to Hindu rites and ceremonies and one male child born from the said wedlock.

6. It is further submitted that on 06.08.2022 on the complaint of respondent No. 2, an FIR bearing No. 760/2022 under Sections 498A/406/34 of the IPC, 1860 and Section 4 of Dowry Prohibition Act got registered at Police Station New Ushmanpur, Delhi.

7. It is submitted that the respondent No. 2 filed a Petition under Section 25 of the Guardianship and Ward Act, 1890 and a Petition under Section 125 of Cr.P.C., 1973. During the hearing of Petition under Section 125 of Cr.P.C., 1973, the parties were referred to mediation, wherein the parties, with the mutual consent, have amicably settled all the disputes and differences between them *vide* Settlement Deed dated 22.09.2023 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 under Section 13(B) of the Hindu Marriage Act, 1955,
- (ii) A total sum of Rs. 4,40,000/- shall be paid to the respondent No. 2 by the petitioner No. 1 towards her full and final amount of all the claims by way of DD/Pay Order,
- (iii) First instalment of Rs. 1,50,000/- by way of DD/Pay Order 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. 1,50,000/- by way of DD/Pay Order shall be paid at the time of recording of Second Motion Petition under Section 13(B) of the Hindu Marriage Act, 1955,



(v) The third and final instalment of Rs. 1,40,000/- shall be paid at the time quashing of FIR,

(vi) The custody of the minor child shall be with the respondent No. 2, however, the petitioner No. 1 shall have the visitation rights,

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

8. It is further stated that Rs. 3,00,000/- has already been paid by the petitioner No. 1 to the respondent No. 2 viz., the aforesaid two instalments.

9. It is also stated that on 06.02.2024, the marriage between petitioner No. 1 and respondent No. 2 had been dissolved as per Hindu law.

10. In view of the Settlement Deed dated 22.09.2023, the present petition has been filed.

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

12. The third instalment of Rs. 1,40,000/- has been paid to the respondent No. 2/wife by the petitioner No. 1 today, *vide* Demand Draft No. 367406 dated 19.04.2024 made in favour of the respondent No. 2/Hema Sharma, drawn on Canara Bank, Delhi DTC Nandnagri Branch, Delhi and the same has been accepted by the respondent No. 2/wife.

13. The parties have submitted that all the disputes have been amicably settled *vide* Settlement Deed dated 22.09.2023 and thus, no fruitful purpose will be served in continuing with the FIR.

14. 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 and they also submit that the said settlement has been arrived at between the parties without any pressure and coercion.



15. 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.

16. 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.

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

18. Accordingly, FIR bearing No. 760/2022 registered at Police Station Ushmanpur, Delhi, for offences punishable under Sections 498A/406/34 of IPC, 1860 and all consequential proceedings emanating therefrom are quashed.

19. The petition stands disposed of.

NEENA BANSAL KRISHNA, J

JULY 8, 2024

S.Sharma