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

+ **CRL.M.C. 5155/2024**

KRISHAN KUMAR MAURYA & ORS.

.....Petitioners

Through: Mr.Syed Mohd. Shoeb, Mr.Neeraj
Maurya, Mr.Abhimanyu Singh,
Mr.Hammad Khan, Mr.Vaibhav
Singh and Ms.Renu Singh, Advts.

versus

STATE NCT OF DELHI AND ANR.Respondents

Through: Mr.Digam Singh Dagar, APP for the
State.

Mr.C.P.Sharma, adv. for R-2 with
R-2 in person.

SI Naveen Kumar, PS Keshav Puram

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

08.07.2024

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CRL.M.A. 19655/2024 (exemption)

Exemption is allowed, subject to all just exceptions.

The application stands disposed of.

CRL.M.C. 5155/2024

1. Present petition has been filed for quashing of the case FIR no.0375 dated 03.07.2021 registered under Sections 498/406/34 IPC at PS Keshav Puram and all the other proceedings emanating therefrom.
2. Issue notice. Learned APP has accepted the notice. Complainant/R-2 is also present along with the counsel. She has also accepted the notice.
3. The petitioner no.1 and respondent no.2 got married on 18.04.2018.



One male child was born on 30.01.2020. However, on account of matrimonial differences, the parties were residing separately since December, 2020. However, now the parties have entered into a settlement as recorded in the Delhi Mediation Centre, Rohini District courts, Delhi on 12.10.2023. The settlement specifically states that it shall not affect the rights of the minor son namely Shivank in any manner. The parties have entered into the settlement on the following terms and conditions:

1) The parties shall get dissolved their marriage by a decree of divorce by mutual consent without leveling allegations and counter-allegations against each other in accordance with law before the Court of competent jurisdiction at Delhi.

2) The respondent no.1/husband shall pay a total sum of Rs.7,50,000/- (Rupees Seven Lakhs Fifty Thousand Only) in full and final settlement of all claims of complainant/wife (past, present and future) arising out of the marriage with the respondent no.1/husband which shall include permanent alimony, maintenance and all other claims including all other miscellaneous expenses/items.

3) The settlement amount of Rs.7,50,000/- (Rupees Seven Lakhs Fifty Thousand Only) shall be paid by the respondent no.1/husband to the complainant/wife in the following manner :-

(i) Rs. 2,50,000/- (Rupees Two Lakhs Fifty Thousand Only) at the time of recording of joint statements in First Motion Petition U/s.13B(1) of Hindu Marriage Act, which shall be filed by the parties jointly within one month from today.

(ii) Rs. 3,00,000/- (Rupees Three Lakhs Only) at the time of recording of joint statements in the Second Motion Petition U/s.13B(2) of Hindu Marriage Act, which shall be filed by the parties within stipulated period as per law or by moving appropriate application for waiver of statutory period.

(iii) Remaining amount of Rs. 2,00,000/- (Rupees Two Lakhs Only) shall be paid at the time of quashing of FIR no. 375/2021, PS: Keshav, Puram, u/s 498A/406/34 IPC which shall be filed by



the respondents before the Hon'ble High Court of Delhi within one month after passing decree of divorce. The complainant shall cooperate in quashing petition by giving her statement/affidavit and concerned documents against accused persons i.e. Krishan (Husband), Sh. Anil Kumar Mourya (Father in law), Smt. Shanti Devi (Mother in law), Ms. Shweta Mourya (Sister in law/nanad), Ms. Manisha (Sister in law/nanad) and Ms. Sushila (Maternal mother in law/Mousi Saas),

4) It is further agreed between the parties that the custody of minor son Shivank shall be transferred to the respondent / husband on the same day at the time of recording of statements of both the parties in second motion petition before the Ld. Concerned Court. The respondent/husband shall maintain the child as per his financial status.

5) Both the parties shall not interfere in the life of each other in future in any manner whatsoever.

6) It is settled between the parties that the complainant/wife shall withdraw the present case as well as connected execution petition from the Ld. Referral Court after first motion but before the second motion.

7) In terms of the present settlement, there shall remain no case/dispute between the parties qua the marriage of the parties and that none of the parties shall file any civil or criminal proceedings against each other or against their family-members in future qua the same and that if any other case/ petition/complaint etc. between the parties is pending in any Court or Authority, the same shall be withdrawn/got disposed of by the respective party.

4. As per the settlement it has been agreed between the parties that the petitioner shall pay Rs.7,50,000/- in full and final settlement of the entire dispute to respondent no. 2/complainant. In terms of the settlement, a demand draft No.783470 dated 29.06.2024 in the sum of Rs.2 lakhs drawn on Punjab National Bank, Sector 1, Noida in the name of Mamta has been handed over in court today.



5. The parties have already been granted divorce in HMA No.136/2024 vide order dated 22.05.2024. The complainant/Respondent no.2 states that she has settled the matter voluntarily without any fear, force or coercion. IO has identified the complainant.
6. Taking into account the totality of facts and circumstances of the case, this court considers that the parties have entered into an amicable settlement out of their own free will, without any fear, force or coercion and they should be given an opportunity to lead their lives peacefully. No purpose will be served in continuing with the trial.
7. In view of the settlement between the parties and all the terms and conditions have already been fulfilled, the case FIR no.0375 dated 03.07.2021 registered under Sections 498/406/34 IPC at PS Keshav Puram and all the other proceedings emanating therefrom are quashed. However, this settlement shall not affect the present/future rights, title or interest of the child i.e.Master Shivank in any manner.
8. The petition stands disposed.

DINESH KUMAR SHARMA, J

JULY 8, 2024

rb/aj..