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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(CRL) 2118/2024 and CRL.M.A. 20577/2024

VIJAY ANAND AND ORS

.....Petitioners

Through: Mr.Manoj Kumar, Advocate with
petitioners in person

versus

STATE AND ANR

.....Respondents

Through: Mr. Sanjay Lao, Standing Counsel for
State with Mr.Abhinav Kumar and Mr.P. Agarwal,
Advocates with SI Priyanka
Respondent No.2 in person

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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16.07.2024

1. By way of present petition filed under Article 226 of Constitution of India, the petitioners seek quashing of FIR No.256/2015 registered under Sections 498A/406/34 IPC at P.S. Ranhola, Delhi on the ground that the parties have amicably settled their disputes.
2. The present FIR is an outcome of a matrimonial dispute between the complainant/respondent No. 2 (wife) and petitioner No.1 (husband) whereas petitioner Nos.2 to 3 are the in-laws of the complainant.
3. Learned APP for the State submits that the petitioners are the only accused persons and respondent No. 2 is the complainant/victim. It is further submitted that chargesheet has been filed in the present case under the aforesaid sections.
4. Learned counsel for the petitioners submits that the parties have settled their dispute vide Memorandum of Understanding dated 02.12.2023.



It is stated that petitioner No.1 and respondent No.2 have already been granted divorce by mutual consent vide divorce decree dated 04.03.2024 passed by learned Judge, Family Court, Tis Hazari Courts, Delhi in HMA No.577/2024. It is further submitted that out of the settlement amount, the balance amount of Rs.1,50,000/- is being paid today through a demand draft bearing No.838207 dated 16.07.2024 drawn on UCO Bank. In terms of the settlement, respondent No. 2 is now left with no claim whatsoever against the petitioners.

Learned counsel for the petitioners further submits that the requisite affidavit in terms of the Supreme Court decision in Ganesh v.Sudhirkumar Shrivastava and Ors. reported as **2019 SCC OnLine SC 1107**, stating therein that rights of the minor child shall remain unaffected by terms of the settlement, has also been placed on record. The undertaking is accepted, taken on record and he is made bound by the same.

5. The petitioners, who are present in the Court, have been identified by their counsel and the Investigating Officer. Respondent No.2, who is also present in the Court, has been identified by the Investigating Officer.

6. Respondent No.2 states that she has entered into the aforesaid Memorandum of Understanding with her own free will, volition and without any coercion. She further states that she has no objection if the present FIR and consequent proceedings are quashed subject to encashment of the aforesaid demand draft handed over to her today.

7. Learned counsel for the petitioners submits that no other proceedings are pending between the parties.

8. The parties shall remain bound by the statements made in Court today.



9. In view of the above facts and since no useful purpose will be served in continuance of the present criminal proceedings, it is directed that the aforesaid FIR and the consequent proceedings arising therefrom are hereby quashed subject to encashment of the aforesaid demand draft.
10. The petition is disposed of in the above terms alongwith the pending application.

MANOJ KUMAR OHRI, J

JULY 16, 2024
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