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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 5418/2024**
AVDHESH UPADHYAY AND ORS.

.....Petitioner
Through: Mr. Suresh Chand, Advocate.

versus

STATE GOVT.OF NCT OF DELHI AND ANR.

.....Respondent
Through: Mr. Satinder Singh Bawa, Ld. APP
with SI Karan Singh P.S. Gazipur and
ASI Rakesh P.S. New Usman Pur.
Mr. A.K. Sharma, Advocate for
Complainant/R-2.

CORAM:
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

% **18.07.2024**

CRL.M.A. 20726/2024 (Seeking Exemption)

1. Allowed, subject to just exemptions.
2. The application is disposed of.

CRL.M.C. 5418/2024

3. The 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. 818/2021, registered under Sections 406/498A/34 of the Indian Penal Code, 1860 (*hereinafter referred to as "IPC, 1860"*) at Police Station New Usman Pur.
4. Issue notice.



5. Mr. Satinder Singh Bawa, learned Additional Public Prosecutor appearing on advance notice, accepts notice on behalf of the State.
6. Brief facts of the case are that the marriage was solemnized between petitioner No. 1 and respondent No. 2 on 25.11.2020, according to Hindu rites and ceremonies and no child was born out of the said wedlock.
7. It is further submitted that on 12.11.2021, on the complaint of respondent No. 2, an FIR bearing No. 818/2021, registered under Sections 406/498A/34 of the Indian Penal Code, 1860, got registered at Police Station New Usmanpur.
8. It is stated that the petitioner No. 1 and the respondent No. 2 have amicably settled all their disputes and differences between them without any undue influence, coercion, and threat and have arrived at a Settlement Deed dated 14.11.2022.
9. The parties have taken divorce mutually and the marriage has been dissolved by a Decree of Divorce dated 28.01.2023.
10. In view of the Settlement Deed dated 14.11.2022, 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 parties have submitted that all the disputes have been amicably settled *vide* Settlement Deed dated 14.11.2022 and thus, no fruitful purpose will be served in continuing with the FIR.
13. 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 14.11.2022 and they also submit that the said Settlement Deed dated 14.11.2022 has



been arrived at between the parties without any pressure and coercion.

14. Today, the complainant/respondent No. 2/wife, who is present in Court, states that she has taken divorce from the petitioner and has no objection if the FIR is quashed.

15. 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.

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

17. Accordingly, FIR No. 818/2021 for the offence punishable under Sections 406/498A/34 of IPC, 1860, Registered at Police Station New Usmanpur and all consequential proceedings emanating therefrom are quashed.

18. The petition stands disposed of.

NEENA BANSAL KRISHNA, J

JULY 18, 2024/va